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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Protection and assistance to unaccompanied and separated refugee children

Report of the Secretary-General**

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* A/56/150.

** A special endeavour has been made to obtain information that is as up-to-date as possible from our field offices and partners, which could not respond immediately owing to competing priorities.

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I. Introduction

1. On 17 December 1999, the General Assembly adopted resolution 54/145, in which it noted the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations to protect and assist unaccompanied and separated refugee children. It recalled that these refugees are among the most vulnerable and are the most at risk of neglect, violence, forced military recruitment, sexual assault and other abuses.

2. The present report includes information on actions taken by the United Nations and other organizations in compliance with resolution 54/145.

II. Background

3. "Unaccompanied children" (also called "unaccompanied minors") are children under 18 years of age who have been separated from both parents and are not being cared for by an adult who, by law or custom, is responsible for doing so. However, experience, notably in the Great Lakes region of Africa, has highlighted that even in emergency situations, not all children are found to be unaccompanied as defined above, even though many have been separated from their previous legal or customary caregiver. Such children, although living with extended family members, may face risks similar to those encountered by unaccompanied refugee children. Consequently, the term "separated child" is now widely used to draw attention to the potential protection needs of this group. "Separated children" are thus defined as children under 18 years of age who are separated from both parents or from their previous legal or customary primary caregiver.

4. To ensure that all such children are entitled to international protection under a broad range of international and regional instruments and that they benefit from efforts to trace and reunify them with their previous primary caregivers, UNHCR, together with the United Nations Children's Fund (UNICEF), the International Committee of the Red Cross (ICRC), the International Save the Children Alliance and other agencies involved, adopted the broader term of "separated child" as the basis for such action. It sought and obtained support for global acceptance of this broadened principle in order to highlight the possible protection needs of separated children, including adolescents.

5. Unaccompanied and separated children are entitled to international protection under international human rights law, international refugee law, international humanitarian law and various regional instruments.

6. The risk of children being separated from their families and caregivers increases in the turmoil of conflict and flight. In the past year, there have been notable examples in the Horn of Africa, Central and West Africa. Separation increases the risks faced by internally displaced, refugee and other war-affected children. Such risks include military recruitment, exploitation, abuse and even death. The past decade has seen a dramatic increase in the number of persons who are internally displaced or directly affected by warfare, but who do not cross international borders and therefore do not benefit from the protection extended under international refugee law. Many of them are children who have become separated from their families or whose parents have lost their lives in conflict.

7. The aim of UNHCR, UNICEF and other organizations working on the ground is, where possible, to prevent separations, identify children who have become separated from their families, ensure that such children receive the protection and assistance they need and reunify them with their families in a timely manner.

III. New developments

8. This section covers a number of new developments related to the implementation of resolution 54/145. Cooperation with other United Nation agencies, intergovernmental and non-governmental organizations (NGOs) and, in some cases, with governmental counterparts has played an important role in addressing the protection and assistance needs of unaccompanied and separated children since 2000.

A. Family tracing and reunification

9. Together with UNICEF, ICRC and specialized NGOs such as the International Rescue Committee

(IRC) and the International Save the Children Alliance, UNHCR has been involved in collaborative efforts to strengthen the tracing and reunification of separated children, notably in Guinea and Sierra Leone. Although cross-border tracing and reunification was not possible for Burundian and Congolese refugee children owing to the volatile situation in their respective countries of origin, documentation, inter-camp tracing and reunification continued in the United Republic of Tanzania. Efforts were made to increase the coordination and accuracy of the databases established by the relevant organizations, together with the continued use of tools such as "photo-tracing albums" and radio broadcasts.

10. The Inter-agency Working Group on Unaccompanied and Separated Children is an initiative involving notably UNHCR, UNICEF, ICRC, IRC, World Vision and Save the Children United Kingdom. It seeks to develop capacities for a more coordinated response to the problem of separation from the emergency phase until the attainment of appropriate durable solutions. To this end, the Working Group has prepared *Guiding Principles on Unaccompanied and Separated Children: Inter-agency Standards and Policies*. A number of working meetings were held by UNHCR, ICRC and UNICEF to review various drafts of the text. This document is scheduled to be issued before the end of 2001.

11. In Liberia, Save the Children United Kingdom organized a series of training sessions within the refugee community to raise awareness about the dangers of family separations and how these can be prevented. Specific training was also carried out for adolescents on how to protect themselves better from and during separation. Adolescents are now actively involved in monitoring and reporting in this area.

12. Concerns regarding separated children remain a critical problem in the Great Lakes region of Africa. The issue was recently the subject of a regional meeting, convened by UNHCR in Dar es Salaam in April 2000. The meeting included expert presentations on new methodologies and techniques being used at the field level for tracing and reunification, including examples from the West African experience. Owing to the prevailing security situation, little progress has been made in the identification and repatriation of separated Rwandan children in the eastern part of the Democratic Republic of the Congo. However, despite the constraints posed by the continuing conflict, an average of 20 children per month are currently being reunited with their families in Rwanda.

13. Support for the reunification of separated children with their families has been strengthened and expanded in a number of countries, including Angola, Eritrea, Ethiopia, Sierra Leone, Sudan, Uganda and the United Republic of Tanzania. Similar support was also provided during the crises in Kosovo and East Timor.

B. Separated Children in Europe Programme (SCEP)

14. SCEP is a joint UNHCR and International Save the Children Alliance initiative on behalf of separated children arriving in European countries. It aims to safeguard the rights and best interests of separated children who have come to Europe by establishing a shared policy and commitment to best practice at the national and European levels. As part of this process, the Programme has strengthened partnerships with government and NGO counterparts working with separated children in European countries.

15. Activities include capacity-building and advocacy, as well as remedial actions where the rights of separated children are not fully respected. In October 2000, UNHCR and the International Save the Children Alliance revised the *Statement of Good Practice*, a key information and advocacy tool developed under the Programme, to incorporate recent developments in international law, including the adoption of the Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography (see General Assembly resolution 54/263). Based on this Statement, a draft training guide was prepared and used initially in three training-of-trainers workshops.

16. Country assessments were undertaken by NGOs in western and central European countries and in the Baltic States. Summary reports of 16 western European countries were collated as a report entitled *Separated Children Seeking Asylum in Europe: A Programme for Action*. This action was officially launched in Brussels in June 2000, constituting the first attempt to gather systematic information on separated children in western Europe. The report concluded that while there are many examples of good practices in all countries concerned, the particular rights and needs of separated

children are, in general, insufficiently understood and acknowledged in most countries. Publication of the summary report for the central European countries and Baltic States is planned for 2001.

17. In 2000, there was also a first attempt to gather statistics systematically on unaccompanied and separated children in Europe. So far, 23 out of 28 European countries have submitted statistics on such children.

C. Action for the Rights of Children (ARC) training and capacity-building initiative

18. ARC is an inter-agency initiative that includes UNHCR, the Save the Children Alliance and, since 1999, UNICEF and the Office of the High Commissioner for Human Rights (OHCHR). A child rights-based training and capacity-building project, ARC aims to increase the capacity of, in particular, UNHCR, government and NGO staff to protect and care for children in emergency situations through to the durable solutions phase. ARC also plays an important role in disseminating information on experience accumulated in the protection and provision of assistance to separated children in the field. This includes comprehensive training materials, "resource packs", focusing on different aspects relating to child and adolescent rights and developmental needs. One of the resource packs, *Separated Children*, focuses specifically on issues concerning such children.

19. UNHCR headquarters and regional staff continued to play a key role in this project, which was further developed in 2000 and the first half of 2001, both in terms of geographical coverage and issues addressed. Three further training-of-trainers workshops took place in West Africa, the Great Lakes region of Africa and southern Africa. For the first time, a workshop was held in Afghanistan, in which staff of the United Nations, NGOs and the Taliban authorities participated.

20. Regional follow-up activities continued throughout the year. Among these, as the result of a meeting of experts in Turkey, a series of country studies identifying legal issues affecting children within the eastern European region was launched. Other follow-up activities included the collaboration with Save the Children United Kingdom in the training of peacekeepers and military personnel in West Africa, and the integration of ARC materials into the capacity-building initiative of the Office for the Coordination of Humanitarian Affairs (OCHA) in Angola. Also worthy of note were several regional workshops on separated children held in the Horn of Africa, East and West Africa, and the enlargement of the ARC inter-agency training team in Pakistan. An advanced training-of-trainers workshop took place in East Africa, bringing together participants of previous workshops, to evaluate progress, share experience and further develop in-country plans.

21. The resource packs were progressively finalized. With a view to making these more accessible, the materials have been included on the UNHCR web page and reproduced on CD-ROM. Wide dissemination of the CD-ROM is foreseen during the second half of 2001.

D. Convention on the Rights of the Child

22. As referred to in paragraph 15 above, by its resolution 54/263 of 25 May 2000, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. UNHCR was actively involved in the advocacy work during the drafting process leading to its adoption. The Optional Protocol represents an important step towards ending the use of children under the age of 18 in armed conflict. It raises the age at which direct participation in armed conflict is permitted from 15 to 18 years and establishes a ban on compulsory recruitment below 18 years. States parties are also required to make a declaration, upon ratification, regarding the age at which national forces will permit voluntary recruitment as well as the steps that States parties will take to ensure that such recruitment is never forced or coerced.

23. The Optional Protocol requires 10 ratifications to enable its entry into force. All States are encouraged to ratify the Optional Protocol so that it will be in force by the time the United Nations Special Session on Children takes place in September 2001. Currently, 80 countries have signed the Optional Protocol and four — Andorra, Bangladesh, Canada and Sri Lanka — have ratified it.

24. A second Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child

prostitution and child pornography was also adopted by the General Assembly in resolution 54/263. This Optional Protocol, welcomed by the United Nations, prohibits the use of children as forced labour and prostitutes and all forms of sexual exploitation of the child and calls on States parties to put into place the necessary legislation to render such acts criminal offences and provide appropriate sanctions under their national law.

25. In November 2000 UNHCR issued directives to its field offices in more than 120 countries, requesting them to encourage States to accede to the two Optional Protocols to the Convention on the Rights of the Child.

26. The Convention on the Rights of the Child and its Optional Protocols, in conjunction with the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol relating to the Status of Refugees of 31 January 1967, as well as other relevant international and regional instruments, constitute the normative framework within which UNHCR bases its activities for providing international protection and assistance to refugee children and other children of concern to the Office.

E. Internally displaced children

27. Despite growing awareness about the plight of internally displaced persons, greater attention still needs to be paid to the especially vulnerable among them. There are large numbers of children who have special protection and assistance needs, such as children separated from their families as a consequence of forced displacement.

28. The establishment of the Senior Inter-Agency Network on Internal Displacement in September 2000 was an encouraging step. The Network, which has undertaken missions to Afghanistan, Angola, Burundi, Eritrea and Ethiopia to review the inter-agency response in these countries, has focused increased attention on the situation of internally displaced children. The Network has recently been superseded by a unit for internally displaced persons coordination, which is still an Inter-Agency Network, but attached to OCHA. The unit is to undertake systematic reviews of selected countries to assess international efforts to meet the protection and assistance needs of internally displaced persons and to make recommendations for improved response. These needs should include those of displaced children.

29. The overall framework for the inter-agency response to internally displaced persons and, consequently, for the activities of the Network (now the unit), is provided by the Guiding Principles on Internal Displacement (see E/CN.4/1998/53/Add.2, annex). The Guiding Principles, which are based on human rights law, including the Convention on the Rights of the Child, and international humanitarian law, restate the relevant norms in all phases of internal displacement and pay special attention to the needs of internally displaced children. These principles are becoming increasingly recognized as a useful and important tool for the protection of the internally displaced. The attention paid by the Security Council and by regional organizations to the situation of displaced children is important for maintaining political momentum in support of these issues.

30. The Representative of the Secretary-General on internally displaced persons continues to pay special attention to the particular needs of internally displaced children, as requested by the General Assembly and the Commission on Human Rights. In particular, the Representative's field missions, such as those to Angola and Georgia (E/CN.4/2001/5/Add.4-5), provided an important opportunity to advocate on behalf of internally displaced children. In addition, in May 2001, the Office of the Representative participated in the annual members' meeting of the International Save the Children Alliance. A statement was delivered on behalf of the Representative, which drew attention to the specific needs of internally displaced children. It called for more systematic monitoring and reporting on their problems, greater attention to the development of strategies for the protection of their human rights and greater resources to be allocated towards meeting these and other challenges.

F. Military recruitment

31. Unaccompanied and separated children are at particular risk of military recruitment. Most of the child soldiers are adolescents, but there are also many who are under 10 years of age. UNHCR continues to carry out advocacy at the field level against the use of child soldiers in all circumstances. For example, in Sri Lanka, UNHCR, in close collaboration with UNICEF, supports "children as zones of peace", aiming to

provide alternatives to child recruitment. In Afghanistan, UNHCR activities focusing on children include the continued monitoring, to the extent possible, of the implementation of the 1997 amnesty under which returnees, including children, are exempt from military recruitment during their first year of return. In November 2000 in Sierra Leone, UNHCR signed a sub-agreement with a local NGO, Family Homes Movement (FHM), which provides foster care and other forms of alternative care for returnee children, pending tracing and family reunification, as well as for those children unable to unite with their families or community. FHM collaborates with other organizations to provide psychosocial care, medical services, educational assistance, vocational training and apprenticeships to children in their care.

32. In Rwanda, UNICEF has been working with 49 unaccompanied children who were part of a group of insurgents that had launched an attack on that country from the Democratic Republic of the Congo. These children were placed in a camp, where UNICEF has provided basic supplies and psychosocial support and assisted with the tracing and reunification of the children with their families.

33. In July 2001, UNICEF started the repatriation and reunification of 159 Congolese children with their families in the Democratic Republic of the Congo. UNICEF has provided interim protection and care to these children since February 2001, when the Government of Uganda handed them over to the Fund. Prior to being handed over, the children had been part of a group sent by one of the Congolese rebel factions to undergo political and military training in Uganda. UNICEF and its partners have provided the children with schooling, social counselling and vocational training, while simultaneously seeking to trace their families and preparing the ground for their return to the Democratic Republic of the Congo.

G. Sexual violence, exploitation and abuse

34. Sexual violence, exploitation and abuse are strongly associated with situations of forced population movement. Unaccompanied and separated children are particularly at risk for a range of reasons, including their age and vulnerability. In some cases, boys are also victims of sexual violence. UNHCR, in collaboration with its operational partners, is seeking to address these problems through preventive measures such as education, sensitization, awareness-raising and appropriate camp layout, as well as through the provision of curative services such as health facilities for victims of violence, counselling and information and follow-up on sexually transmitted diseases and HIV/AIDS.

35. In 1995 UNHCR published *Sexual Violence against Refugees: Guidelines on Prevention and Response* to offer guidance and a useful tool to the field. For the past two years, with the support of the United Nations Foundation (which allocates Ted Turner funds), UNHCR has established multisectoral prevention and response initiatives addressing the needs of adolescent girls in Guinea, Kenya, Liberia, Sierra Leone and the United Republic of Tanzania. In addition, UNHCR and its partners have been developing programmes and activities that address prevention and response to sexual and gender-based violence in a variety of refugee settings around the world.

36. In March 2001, UNHCR convened an inter-agency lessons learned conference on prevention and response to sexual and gender-based violence. The conference gathered a range of actors from the field to share experience, collectively review progress and impact to date, identify lessons learned and plan the next steps for addressing sexual and gender-based violence in refugee and internally displaced settings. Participants included representatives from refugee communities, the UNHCR community, the protection, security and health sectors, human rights organizations, NGOs, United Nations sister agencies, government representatives, academics and interested individuals.

37. In order to reflect recent progress made in the development and application of international human rights law in addressing issues of sexual and gender-based violence, UNHCR will use the conclusions of the conference to prepare a revised version of the 1995 guidelines. In addition, the conference prepared a practical *Step by Step Guide for Protection Officers* to assist the latter in responding to incidents of sexual and gender-based violence in field operations. This protection tool complements existing guidelines dealing with sexual and gender-based violence with a specific emphasis on addressing the situation of vulnerable refugee children.

38. In support of its broader efforts to address adolescent reproductive health needs, UNHCR

received a further US$ 2 million grant from the United Nations Foundation. This grant is part of a larger contribution to UNHCR and the United Nations Population Fund, intended for a three-year multisectoral programme to strengthen the reproductive health of young people in refugee communities, especially in the area of HIV/AIDS. Projects for young people are currently being developed, focusing on prevention and care activities with an emphasis on peer education. The participation of adolescents in this programme is key to its effectiveness and consistent with the right to participation under the Convention on the Rights of the Child.

H. Strengthening the field network of UNHCR

39. UNHCR's four Senior Regional Advisers/Policy Officers for Refugee Children, covering West Africa, East Africa, the Horn of Africa, central Asia, South-West Asia, North Africa, the Middle East and eastern Europe, continued to play a vital role in the promotion of child rights-based policies, notably through ARC, and to assist in the implementation and monitoring of activities for children of concern to UNHCR. A fifth Senior Adviser, who was appointed in Brussels in September 1999, has also made a significant contribution within the framework of SCEP, in relation to separated children of concern to UNHCR in western, central and south-eastern Europe and the Baltic States. These advisers work closely with UNHCR networks and operational partner staff dealing with children's issues in their respective regions. One of the UNHCR priorities is to monitor the implementation of UNHCR policies concerning unaccompanied and separated children. The impact of the Senior Regional Advisers/Policy Officers for Refugee Children is evident in the growing collaboration between UNHCR and its partners in addressing the protection and assistance needs of refugee children. It has also increased internal and intersectoral cooperation in meeting the needs of unaccompanied and separated children.

IV. Other issues of concern

A. The girl child

40. In the case of unaccompanied or separated children, the girl child is particularly vulnerable to negligence and exploitation. Disabled girls, in particular, face the threat of being abandoned. Furthermore, many girls experience sexual exploitation and abuse and are more exposed than young males of the same age to the risk of contracting sexually transmitted diseases and HIV/AIDS. Many are also being exploited as domestic labour. Particular emphasis needs to be given to the provision of access to basic educational opportunities. It is also of crucial importance to raise community awareness about the specific problems that separated girls may face. In India, for example, discussions and campaigns have been organized on subjects such as sexual exploitation, sexual harassment, domestic violence, gender equality and the status of girl children.

41. UNHCR is currently finalizing a manual on the rights of children and women: awareness training for adult refugees. Its purpose is to raise awareness about women's and children's rights under national and international law among refugee communities. The rights awareness training for adult refugees is an important initial step towards the empowerment of women and girls and will ultimately improve their protection. This draft manual has been tested in workshops held in three field locations (Kasulu Kibondo and Ngara) in the United Republic of Tanzania with Burundian, Rwandan and Congolese refugees. Similar rights awareness workshops have been held in Kenya, Mexico and Nepal. Refugee communities in the field-testing phase have been enthusiastic about this awareness training, since it is adapted to addressing the particular problems which they face in their asylum country.

B. Adoption of separated children

42. UNHCR and a number of its partners have long advocated the policy that refugee children in an emergency context are not available for adoption. Since most unaccompanied and separated children are not orphans, they do not need to be adopted, but rather must receive suitable interim care with a view to possible reunification with their families. Staying with

relatives in extended family units is generally a better solution than uprooting the child completely. Serious efforts to trace family members are essential before a child is considered eligible for adoption and such efforts are particularly difficult, if not impossible, within the context of an emergency. Any adoption of a separated or unaccompanied child of concern to UNHCR must be determined as being in the child's best interests and carried out in accordance with applicable national and international law, notably the 1993 Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, and the 1994 Recommendation concerning the Application to Refugee Children and other Internationally Displaced Children. This policy is also informed by relevant provisions of the Convention on the Rights of the Child.

C. Child-headed households and self-reliance of unaccompanied and separated children

43. Unaccompanied and separated adolescents may find themselves in situations in which they have great responsibility, not only for themselves but also for other children, including younger siblings. Such child-headed households are especially vulnerable to abuse and thus require careful monitoring and protection. Access to post-primary education, vocational training and income-generating activities is key to supporting their rights and capacities and to helping them become self-sufficient. Examples of such activities are the vocational and skills-training programmes in Azerbaijan and Russia. In Ethiopia, re-registration of unaccompanied children in camps made it possible to identify those who had reached 18 years of age, so that vocational training and small enterprise resources could be provided in order to help support their transition into maturity and self-sufficiency. Nevertheless, there is still a need to develop further opportunities for post-primary education, which was, moreover, the reason why UNHCR launched the Refugee Education Trust in 2000.

V. Conclusion

44. Notwithstanding the progress recorded in meeting the basic protection and assistance needs of unaccompanied and separated refugee children by UNHCR, UNICEF, OHCHR, OCHA, ICRC, NGOs and a number of government counterparts, many of these children's basic needs remain unmet. One key challenge is the lack of adequate human and financial resources to address identified needs. Community-based strategies in addressing this issue require further emphasis and support in humanitarian interventions. Likewise, strengthened inter-agency coordination and more effective registration and tracing systems need to be pursued. In order to respond effectively to the protection needs of unaccompanied and separated children, States are urged to accede to and ratify the Optional protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, which enhance the legal protection of refugee children against military recruitment and other forms of exploitation. Finally, increased emphasis on and commitment to monitoring of compliance and accountability for violations are crucial in order to ensure that the protection and assistance needs of unaccompanied and separated refugee children are more effectively addressed.

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Human rights and mass exoduses

Report of the Secretary-General**

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** The footnote requested by the General Assembly in resolution 54/248 was not included in the submission.

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Summary

At its fifty-fourth session, the General Assembly adopted resolution 54/180 of 17 December 1999, entitled "Human rights and mass exoduses", in which, deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world, the Assembly stressed the need for a comprehensive approach by the international community to address the root causes and effects of movements of refugees and other displaced persons. The Assembly requested the Secretary-General to prepare and submit to it at its fifty-sixth session a report on the implementation of the resolution as it pertains to all aspects of human rights and mass exoduses. The present report is submitted in response to that request.

The report makes reference to a growing awareness among the international community of the link between racism and ethnic conflicts as a root cause of forcible flows of population, as well as the causes of these tensions. It also provides information about relevant preparatory activities for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held in Durban, South Africa, in early September of 2001.

The report provides also a brief description of actions by the international community to enhance its response to the forcible movement of refugees and displaced persons, including efforts undertaken for the wide dissemination, use and application of the Guiding Principles on Internal Displacement developed by the Representative of the Secretary-General on internally displaced persons.

It refers to some efforts undertaken by the United Nations and other institutions to enhance the Organization's preventive capacities, as well as to steps towards better and more effective coordination to improve its emergency response to situations of mass exoduses and internal displacement. It recognizes however, that progress still remains to be made in this respect and emphasizes that human rights and humanitarian components of the United Nations must continue to cooperate in order to ensure that human rights violations as cause and consequence of mass exoduses are addressed and the protection of refugees and displaced persons enhanced.

I. Introduction

1. At its fifty-fourth session, the General Assembly adopted resolution 54/180 of 17 December 1999, entitled "Human rights and mass exoduses", in which the Assembly, inter alia, acknowledged that mass exoduses of populations are caused by multiple and complex factors, such as human rights violations, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence. The Assembly strongly deplored ethnic and other forms of intolerance, and called upon all States to promote and take all necessary steps to ensure respect for human rights and fundamental freedoms, in particular the rights of persons belonging to minorities.

2. The General Assembly reaffirmed the primary responsibility of States to ensure protection of refugees and internally displaced persons and emphasized the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons. It also called upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and other relevant parts of the United Nations system, to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found.

3. In the same resolution, the Assembly also noted with satisfaction the efforts by the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms. It recognized that the human rights machinery of the United Nations, in particular the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight.

4. The complementarities between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees, as well as the work of the Representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for Children and Armed Conflict were also recognized by the Assembly. The General Assembly also highlighted that cooperation between them, within their respective mandates, as well as coordination between the human rights, political and security components of the United Nations operations, make important contributions to the promotion and protection of human rights of persons forced into mass exodus and displacement.

5. In this context, the General Assembly requested the Secretary-General to prepare and submit to it at its fifty-sixth session a report on the implementation of the resolution as it pertains to all aspects of human rights and mass exoduses. The present report is submitted in response to that request.

II. Racism, ethnic conflicts and violation of human rights as the main factors generating mass exoduses

6. In the Vienna Declaration and Programme of Action resulting from the 1993 World Conference on Human Rights (A/CONF.157/23), Governments recognized that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to the mass exoduses and displacement of people. This was reaffirmed by the Commission on Human Rights in several resolutions, and more recently, in its resolution 2000/55 of 25 April 2000, entitled "Human rights and mass exoduses". The international community has become increasingly aware of the interrelation between this wide range of factors — including human rights violations — and mass exoduses, and now considers that combating the root causes of the forcible movement of people is of critical importance and requires urgent action. In this regard, in his address to the fifty-seventh session of the Commission on Human Rights, the United Nations High Commissioner for Refugees highlighted the link between human rights, racism, xenophobia, intolerance and refugees, as a relationship of cause and effect and lack of respect for human rights, as the main driving force in the cycle of forced displacement.

7. In the context of the Revised Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (General Assembly resolution 49/146, annex, para. 7 (h)) and on the eve of the World

Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be held from 31 August to 7 September 2001 in South Africa, the Commission on Human Rights, in its resolutions 2001/5 of 18 April 2001, 2000/14 of 17 April 2000 and 1999/78 of 28 April 1999, entitled "Racism, racial discrimination, xenophobia and related intolerance", called upon the United Nations High Commissioner for Human Rights, in her capacity as Secretary-General of the World Conference, inter alia, to assist States and regional organizations, on request, to convene national and regional meetings or to undertake other initiatives, including at the expert level, to prepare for the World Conference and to submit the recommendations of those meetings to the Preparatory Committee.

8. In this context, an Expert Seminar on Racism, Refugees and Multi-ethnic States was held in Geneva from 6 to 8 December 1999 to examine racism and ethnic conflicts as some of the root causes of the refugee crisis; to find ways and means to stop the expansion of racism and ethnic conflicts and to examine how better protection of vulnerable groups within the States concerned might be ensured. The report on the Seminar (A/CONF.189/PC.1/9, annex) was transmitted by the Secretary-General to the Preparatory Committee of the World Conference on 15 March 2000, for consideration at its first session, held in Geneva from 1 to 5 May 2000.

9. Participants in the Seminar included: five invited experts from different regions who prepared background papers; several other experts invited in their personal capacity; observers from States Members of the United Nations; representatives of United Nations bodies and specialized agencies; and representatives of intergovernmental, non-governmental and other organizations. The participants in the Seminar noted that nowhere were violations of human rights more dramatically illustrated than in mass exoduses, whether they occurred across borders or within States, and that the movement of refugees and forcibly displaced persons had become a tragic feature of modern times. The participants further observed that refugees and internally displaced persons often left their country or community of origin because of a well-founded fear of persecution that might be based on their being targeted on account of their race, ethnicity or nationality. Racism and ethnic conflicts were identified as major causes of forced displacement and ethnic tensions were often exploited, deliberately fostered and exacerbated to further political objectives. The participants deplored the fact that these factors not only divided the population in the home country, but also refugees (or displaced persons) in the host country or within communities. It was also noted that racism and ethnic tensions complicate assistance to refugees and displaced persons throughout a crisis and, in addition, can preclude their safe return and reintegration.

10. In their final observations and suggestions, participants in the Seminar listed among others, the following measures for action to be taken by States and the United Nations to eliminate racial discrimination and ethnic violence:[1]

(a) Universal acceptance of international human rights, refugee and humanitarian law and the adoption by States of all necessary measures at the national level to ensure the implementation of their obligations under these branches of international law, including harmonization of national legislation concerning racial discrimination;

(b) Definition of a global strategy by the United Nations to address racial discrimination, the explosion of ethnic conflict and the alarming proportions of ethnic violence, and assessment of the strategy regularly with follow-up measures;

(c) Harmonization of work between the United Nations High Commissioner for Human Rights and the United Nations High Commissioner for Refugees and throughout the United Nations system, to ensure adequate protection of refugees and internally displaced persons from social and other forms of discrimination;

(d) More effective prevention by, for example, assisting States in establishing national institutions for the promotion and protection of human rights;

(e) Preventive diplomacy, rapid reaction and early warning through active involvement of the United Nations High Commissioner for Human Rights, as well as of the Security Council;

(f) Increased use of the Internet as a means to fight racism, racial discrimination, xenophobia and related problems;

(g) Greater monitoring of the rights and fundamental freedoms of persons belonging to groups that are particularly vulnerable to human rights abuses

and discrimination, in all phases of their displacement, return and resettlement in their place of origin;

(h) Compliance by host States of their obligation under international law to observe without any discrimination the principle of non-refoulement as enshrined in the 1951 Convention relating to the Status of Refugees and its 1967 Protocol;

(i) Consolidation of multiracial and multi-ethnic States through the promotion of human rights.

III. Action taken by the international community

11. In its resolution 54/180, the General Assembly requested the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, the organ mandated to protect and assist refugees and returnees, persons in refugee-like situations and, in some circumstances, internally displaced persons, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements. In the same resolution, the Assembly also requested the United Nations High Commissioner for Human Rights to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information-sharing, technical advice, expertise and cooperation in countries of origin as well as host countries.

12. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has been developing its activities relating to the promotion and protection of the rights of internally displaced persons and returnees. The Office has assisted the Representative of the Secretary-General on internally displaced persons in the implementation of his mandate, since his appointment in 1992. Although initially charged with studying the causes and consequences of internal displacement, the Representative's mandate has evolved into four main areas of work: developing a normative framework for the protection and assistance of the internally displaced; developing effective institutional responses at the international and regional levels; undertaking missions to countries affected by internal displacement and entering into solutions-oriented dialogue with the Governments concerned and other relevant actors; and carrying out research into various aspects of internal displacement.

13. The Representative plays an important role in raising awareness of the global crisis on internal displacement. The Commission has welcomed the Representative's initiative in the preparation of the Guiding Principles on Internal Displacement,[2] as well as their use within the framework of his dialogue with Governments. The Commission has also noted with appreciation that an increasing number of States, United Nations agencies, regional and non-governmental organizations are making use of the Guiding Principles. Indeed, the positive response to the Guiding Principles at all levels, nationally regionally and internationally, by Governments, United Nations agencies, intergovernmental and non-governmental organizations, has underlined the need for guidance in providing protection and assistance to the internally displaced.

14. Within the framework of his dialogue with Governments and all relevant actors, the Representative has undertaken 19 country visits in different regions of the world, which provided the means for assessing the extent to which the protection, assistance and development needs of the internally displaced persons were being met on the ground. Detailed information on the work of the Representative and on his country visits can be found in his reports to the Commission on Human Rights and the General Assembly. The Representative also shares his findings with the Secretary-General and the Inter-Agency Standing Committee, whose importance in regard to following up on the recommendations emanating from the Representative's missions has been stressed by the Commission on Human Rights.

15. The human rights monitoring undertaken by the thematic and country-specific special rapporteurs, thematic working groups and the human rights treaty bodies is also important for the promotion and respect of the rights of forcibly displaced populations. As requested by the General Assembly, and the Commission on Human Rights in their resolutions on internally displaced persons, a number of special rapporteurs have paid increased attention to forcible displacement of populations and apply the Guiding

Principles to various aspects of their work (such as their reports on situations, urgent appeals, or their advocacy campaigns).

16. The human rights treaty bodies also have considerable scope for addressing the situation of displaced persons and refugees and a few have started, in specific cases, to give attention to issues of forcible displacement, which reveals a growing awareness of the importance of ensuring, when necessary, inclusion of these issues in the review of States reports and relevant recommendations.

17. During the past years, OHCHR has also been disseminating and promoting the use and application of the Guiding Principles on Internal Displacement, including in its own field activities. In certain circumstances, OHCHR field presence enables monitoring of the rights of returnees, displaced persons and refugees and contributes to addressing the protection needs of internally displaced persons through its technical cooperation activities, which seek to create an environment in which respect for human rights will help to reintegrate displaced persons and prevent mass exoduses. They consist, for example, in supporting the strengthening of the judiciary and the creation and effective functioning of national institutions for the promotion and protection of human rights setting up programmes of human rights education, providing training in human rights and fostering capacity-building for local non-governmental organizations.

18. In the context of complementarities between the systems for the promotion and protection of human rights and for humanitarian action and, in particular, the mandates of the High Commissioner for Human Rights and the High Commissioner for Refugees, as well as the work of the Representative of the Secretary-General on internally displaced persons, coordination of their activities has been encouraged at the field and headquarters levels. This complementarity has also been acknowledged by the General Assembly and the Commission on Human Rights in their resolutions 54/180 and 2000/55 on human rights and mass exoduses. In this respect, the High Commissioner for Refugees has addressed the Commission on Human Rights and the High Commissioner for Human Rights has been invited on a regular basis to address the Executive Committee of the Programme of the United Nations High Commissioner for Refugees.

19. Other United Nations agencies and programmes have also been involved in specific actions in this area. By definition, the mandate of the United Nations Children's Fund (UNICEF), grounded in the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, demands that it act whenever and wherever women and children — families — are vulnerable, whether they be refugees, displaced, or affected by conflict. In this context, UNICEF has, over the past years, actively promoted the Guiding Principles on Internal Displacement among its field staff and partners. UNICEF supports a collaborative inter-agency response to internal displacement as well as efforts to improve the application of the consolidated appeals process to internal displacement.

20. For the World Food Programme (WFP), food is often one of the most urgent needs of internally displaced persons and refugees. Mandated to provide food aid to the most vulnerable and food-insecure, WFP plays a major role in providing assistance in situations of mass exoduses, not only during the period of displacement, but also in support of return, resettlement, reintegration and post-conflict recovery. In such situations, the WFP strategy consists of negotiating a safe passage for humanitarian supplies with Governments and non-State actors, in order to ensure that the supplies reach its beneficiaries. WFP provides food assistance in ways that are intended to protect and promote the rights of displaced persons and refugees, with special emphasis on the most vulnerable, namely, women and children.

21. The United Nations Development Programme (UNDP) often plays a critical role in the resettlement phase of internally displaced persons and refugees. Aware of the fact that displaced populations attract less humanitarian support once they return to their community of origin, UNDP supports the development of the communities that the displaced have rejoined, implements rehabilitation activities in the displaced communities of return in order to facilitate their sustainable reintegration, and provides local capacity-building support to local entities to enable then to take an active role in the reintegration and resettlement process.

IV. Efforts by the United Nations and other institutions to enhance preventive capacities

22. In the context of mass displacement, internal displacement and cross-border movements often have the same causes. Thus, addressing situations of internal displacement can contribute to mitigating the causes of mass exoduses. Systematic and specific monitoring of internal displacement worldwide thus facilitates the United Nations system's preventive activities and supports contingency planning efforts to address both phenomena.

23. Timely and reliable information has become an essential element for efficient and coordinated humanitarian responses, for example, in cases of mass exoduses. The United Nations Office for the Coordination of Humanitarian Affairs has, for example, set up an information structure based on the Integrated Regional Information Networks (IRIN) and ReliefWeb, whose complementary services aim at improving the response capacity of the global humanitarian community. Together, the Network and ReliefWeb represent a tightly interlinked and publicly accessible information system that provides strong support to humanitarian decision makers worldwide.

24. Established in 1995, IRIN currently provides a snapshot of events as they unfold in 46 countries in sub-Saharan Africa and 8 countries in Central Asia. In dealing with new crises, the Network's reports aim to provide early warning and improve insight into the political, economic and humanitarian dynamics of the concerned regions. The Network's news always includes information relating to movements of refugees and displaced persons and it advocates for humanitarian principles, especially in countries largely ignored by the media. Over the past two years, IRIN has expanded its information networks to Côte d'Ivoire, Madagascar, Mozambique, Nigeria, South Africa and Zimbabwe. IRIN reports are available via its web site, as well as email, which now reflect 8,000 subscribers, or a readership of over 40,000 for the Africa service alone.

25. ReliefWeb, with users in 170 countries, is acknowledged as the premier online source of information on natural disasters and complex emergencies. It provides updated information on unfolding emergencies and natural disasters aiming at supporting decision-making by users on relief, logistics, funding and contingency planning, especially in disaster and emergency-prone countries. As part of its most recent activities, ReliefWeb launched the email-via-email service to allow users to subscribe to critical humanitarian information even in remote field locations and received the support of the humanitarian community to establish a satellite office in Asia. ReliefWeb has also strengthened its partnerships with field offices of the Office for the Coordination of Humanitarian Affairs and provides web site development services and Internet hosting for field-based information.

26. Another example is the project, entitled "Global Internally Displaced Persons Database", which is posted on the Web and contains valuable information on internal displacement. The database project was created in late 1998 at the initiative of the Inter-Agency Standing Committee Working Group, described below, and the United Nations Emergency Relief Coordinator and has been long advocated by the Representative of the Secretary-General on internally displaced persons. The project is under the overall supervision of the Office for the Coordination of Humanitarian Affairs, which oversees and evaluates the development of the project as a whole, on behalf of the Inter-Agency Standing Committee. This task was entrusted to the Norwegian Refugee Council/Global IDP Project, which is responsible for the design, creation and day-to-day management of the database, including organizing the collection, review and display of information, identifying information gaps and alternative sources of information and ensuring regular updates of information.

27. The objectives of the database are to offer central access to information related to internally displaced persons to any organization, institution or individual dealing with assistance to and protection of internally displaced people, and to become a major non-governmental organization focal point for advocacy and information on the protection and assistance needs of internally displaced persons. It aims at assisting humanitarian organizations in field operations by complementing existing information networks on internally displaced persons and contributing to the harmonization of information management practices on internal displacement among humanitarian agencies, by promoting common standards for data collection,

common definition of indicators and standard methodology.

28. The database also aims to support the mandates of the Inter-Agency Standing Committee, the Emergency Relief Coordinator and the Representative of the Secretary-General on internally displaced persons, through the provision of up-to-date accurate information on internal displacement, in a standardized and organized format that will allow cross-country comparison. Finally, the database aims to assist in measuring the impact of the Guiding Principles on Internal Displacement by using them in the monitoring of situations of worldwide internal displacement.

V. Coordination between United Nations agencies and other actors to improve emergency response

29. In order to address complex emergencies in a more effective manner, it is necessary to promote a comprehensive approach, while at the same time ensuring a coherent and integrated response from the different entities of the United Nations and other actors. The scope and complexity of mass exoduses therefore call for a multifaceted response and the active involvement of organizations both within and outside the United Nations system.

30. As noted in the report of the Secretary-General on human rights and mass exoduses to the General Assembly at its fifty-fourth session (A/54/360), the United Nations has, over the past few years, taken several important steps to develop policies and create new bodies in order to provide a more comprehensive response to the protection and assistance needs of displaced populations. In the present reporting period, some steps have been taken, in particular, to enhance the international response to internal displacement.

31. At the Headquarters level, the humanitarian structure responsible for the protection of and assistance to internally displaced populations comprises the Emergency Relief Coordinator, who heads the Office for the Coordination of Humanitarian Affairs. The Office serves as the secretariat of the Inter-Agency Standing Committee.[3] At the field level, in situations of internal displacement, defined as complex emergencies, a humanitarian coordinator or resident coordinator is normally designated by the Emergency Relief Coordinator, in consultation with the Inter-Agency Standing Committee, as the official who is responsible and accountable for ensuring that humanitarian needs are met before, during and after an emergency.

32. The Inter-Agency Standing Committee has sought to pay increased attention to the protection and assistance needs of internally displaced persons. In recognition of the fact that protection often lacks the attention it requires in inter-agency responses to internal displacement, in December 1999, the Committee adopted a policy paper on protection of internally displaced persons which was complemented in April 2000 by "Supplementary Guidance to Humanitarian/Resident Coordinators" and which clearly defines the responsibilities in the field in relation to internally displaced populations. Effective policy implementation is essential and will need to be closely monitored.

33. In order to provide additional support to these efforts, a Senior Inter-Agency Network consisting of senior focal points from all concerned organizations, was set up within the Office for the Coordination of Humanitarian Affairs. Led by a Special Coordinator of the Network on Internal Displacement, the main objective of the Network has been to assess current efforts being undertaken to provide protection and assistance to internally displaced populations and to identify and address areas where the current response may not be adequate, including through country assessment missions, namely, to Angola, Burundi, Eritrea, Ethiopia and Indonesia.

34. In April 2001, the Senior Inter-Agency Network submitted to the Special Coordinator of the Network on Internal Displacement its recommendations, which included some important reform measures to respond, at the field and Headquarters levels, to the needs of internally displaced persons. The recommendations were endorsed in May 2001 by the Secretary-General.

35. The recommendations include the proposals that at the field level, the humanitarian coordinator have overall responsibility for strategic coordination in consultation with the United Nations country team and that he or she be supported by a focal point; and that the humanitarian coordinator, in consultation with the Emergency Relief Coordinator, may also request one of the operational agencies to assume primary responsibility.

36. At the Headquarters level, the Network's recommendations have led to the creation of a small, non-operational office for internally displaced persons coordination to be established within the Office for the Coordination of Humanitarian Affairs. The office will advise and support the Emergency Relief Coordinator in focusing on and coordinating an effective response to the needs of the internally displaced. It will also provide a nucleus of expertise on internally displaced persons, which will act as a catalyst in guiding the response to internally displaced persons crises by supporting the field activities of the members of the Inter-Agency Standing Committee.

37. The main activities of the office for internally displaced persons coordination will consist of monitoring situations of internal displacement globally; undertaking systematic reviews of selected countries and proposing revised approaches and collaborative arrangements to assess combined efforts to meet the assistance and protection needs of internally displaced persons. The office will also be responsible for training and providing expert guidance to other humanitarian agencies on issues related to internally displaced persons issues. It will advocate for resource mobilization within the processes of the inter-agency consolidated appeals process, as well as emergency appeals. The office is to be led by a senior official and be composed of a few staff members seconded from key United Nations agencies. It will report to the Emergency Relief Coordinator and periodically to the Inter-Agency Standing Committee in view of its inter-agency basis.

38. While recalling that responsibility for the assistance and protection of internally displaced persons rests primarily with the national authorities, the Network stresses the importance to address more actively the underlying causes of displacement.

39. The Inter-Agency Standing Committee Working Group has also established a Reference Group on Humanitarian Action and Human Rights, the objective of which is to develop strategies and initiatives to enhance the integration of human rights into humanitarian action. The group, which meets on a bi-monthly basis and operates under the overall guidance of the Committee, constitutes a useful forum for information-sharing and doctrine development relating to these issues.

40. As part of its recent activities, the Reference Group completed a compendium of field practices on the promotion and protection of human rights through humanitarian action, entitled "Growing the Sheltering Tree". The compendium is intended to serve as a major contribution towards assisting humanitarian field workers in undertaking human rights-related activities. The Group has also promoted the integration of human rights issues and concerns in the consolidated appeals process, and is working on promoting human rights training for humanitarian workers.

41. The Office of the United Nations High Commissioner for Human Rights participates in the meetings and work of the Inter-Agency Standing Committee and the Senior Inter-Agency Network, with a view to ensuring that due attention is paid to human rights issues in responding to the assistance needs of countries hosting large numbers of refugees and displaced persons.

VI. Conclusions and recommendations

42. The United Nations has taken a number of steps to enhance its capacity to avert new mass exoduses and to tackle the root causes of such outflows. On the eve of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, greater awareness of the link between racism, ethnic conflicts, violation of human rights as the causes of mass exoduses have led to a better response by the international community when such humanitarian crises arise.

43. Progress has been also made towards more effective coordination of United Nations activities pertaining to human rights and mass exoduses with, *inter alia*, the development of normative and other guidance on the protection and assistance needs of internally displaced persons, the creation of the Senior Inter-Agency Network to review international responses to internal displacement and the establishment in due course of an inter-agency office for internally displaced persons coordination within the Office for the Coordination of Humanitarian Affairs.

44. However, progress still remains to be made in this respect. Human rights and humanitarian components of United Nations operations must continue to cooperate within this new structure in order to ensure that human rights violations as cause and consequence of mass

exoduses are addressed and the protection of refugees and displaced persons is enhanced. In the meantime, many of the recommendations made by the Secretary-General in his previous report to the General Assembly on human rights and mass exoduses remain relevant:

(a) Promoting accession to international law instruments, including humanitarian law, human rights law and refugee law, and developing subsequent national legislation;

(b) Disseminating and advocating human rights and humanitarian principles to encourage compliance with prohibitions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

(c) Establishing mechanisms to ensure compliance with international law in order to end the culture of impunity which currently prevails: in this respect, Member States are encouraged to ratify the Statute of the International Criminal Court;

(d) Sharing responsibility with States which experience the greatest political, economic and social impact of mass exoduses to encourage and support their respect for human rights and humanitarian principles in their treatment of refugees and displaced persons;

(e) Improving security and access to humanitarian assistance and creating a secure environment for civilians endangered by conflict and for the delivery of aid;

(f) Encouraging Member States to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel;

(g) Ensuring that the Security Council is regularly informed of human rights and humanitarian situations in cases of potential or actual conflict.

45. Closer cooperation at the Headquarters and field levels is now taking place between the Offices of the High Commissioner for Human Rights and of the United Nations High Commissioner for Refugees, for example, through mutual participation in the meetings of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees and the Commission on Human Rights, and more systematic coordination of each agency's activities in the field.

Notes

[1] It was agreed that the Seminar should not formally adopt recommendations but, rather, list those observations and suggestions made by experts and participants which appeared to have broad support, it being understood that there was not necessarily full consensus on each of them.

[2] E/CN.4/1998/53/Add.2, annex.

[3] The Inter-Agency Standing Committee Working Group consists of: the Office for the Coordination of Humanitarian Affairs, the United Nations Children's Fund, the United Nations Development Programme, the World Food Programme, the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations and the World Health Organization. In addition, there is a standing invitation to the International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, the International Organization for Migration, the Representative of the Secretary-General for internally displaced persons and the Office of the United Nations High Commissioner for Human Rights. Three non-governmental consortia, namely, the International Council of Voluntary Agencies, Inter-action and the Steering Committee for Humanitarian Response, are also invited to attend on a permanent basis.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Assistance to refugees, returnees and displaced persons in Africa

Report of the Secretary-General**

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* A/56/150.

** A special effort was made to obtain information that is as up to date as possible from our field offices and our partners, which could not respond immediately, owing to competing priorities.

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I. Introduction

1. The present report is submitted pursuant to resolution 55/77 of 4 December 2000, in which the General Assembly requested the Secretary-General to submit a comprehensive report on the situation of refugees, returnees and displaced persons in Africa to it at its fifty-sixth session, taking fully into account the efforts expended by countries of asylum.

II. Action taken to implement General Assembly resolution 55/77

A. Overview

2. Since the last report on this issue (A/55/471), the main refugee groups continue to originate from Burundi (567,000), Sudan (443,000), Somalia (441,600), Angola (421,200), Sierra Leone (401,800) and Eritrea (377,100), followed by the Democratic Republic of the Congo (340,000), Liberia and Rwanda. Although some repatriation movements have taken place, such as the 21,000 Eritrean refugees and the 22,000 Somali refugees who returned home by mid-year, there are still 3.6 million refugees in Africa, or 30 per cent of the global 12.1 million refugee population. Despite the chronic funding shortage being faced by the Office of the United Nations High Commissioner for Refugees (UNHCR), it is increasingly asked to meet new demands, especially in assisting internally displaced persons. By the end of 2000, UNHCR was assisting 1.1 million internally displaced persons in Africa. Within the first six months of his tenure, the High Commissioner for Refugees had already visited all the subregions in Africa, and held discussions with the refugees, implementing partners, agencies and authorities.

3. In the East and Horn of Africa, renewed fighting between Ethiopia and Eritrea displaced nearly 1.5 million people in 2000, but intensive international efforts led to a ceasefire and the deployment of a United Nations peacekeeping mission. Many recent refugees and internally displaced persons originating from areas outside the temporary security zone were able to return home by the year's end. UNHCR is working with the Governments of Eritrea and the Sudan to promote the voluntary repatriation of Eritrean refugees who fled in 2000, as well as others who left before independence in the 1980s and early 1990s. The Office continues to facilitate the repatriation of Somali refugees from Ethiopia to north-west Somalia; 150,000 have returned since 1997. Despite some progress in 2000 towards a political settlement in Somalia, violence and instability continue to hinder humanitarian access and have hampered repatriation to the southern parts of the country. The civil war in the Sudan shows no signs of abating, leaving some 443,000 refugees in exile and huge numbers internally displaced.

4. In western Africa, the Mano River Basin region of Guinea, Sierra Leone and Liberia remains a complex and insecure environment. Assistance to refugees in the region was interrupted in September 2000, when UNHCR and aid agencies evacuated their personnel from the forest region of Guinea, following a deterioration in the security situation which culminated in the brutal murder of a UNHCR staff member in Macenta and the abduction of another. In May 2001, a relocation operation started to transfer Sierra Leonean refugees to more secure sites further away from the border. The month-long operation relocated over 58,000 refugees and 25,000 voluntarily repatriated. The Office is guardedly optimistic about Sierra Leone, where a decrease in violence has opened up new opportunities for humanitarian activities and is allowing reconciliation, reintegration and reconstruction efforts to take root. More worrying is the ongoing conflict in northern Liberia, particularly in Lofa County. Several thousand refugees have been trickling into neighbouring countries.

5. In the Great Lakes region, war in the Democratic Republic of the Congo has displaced a staggering 1.8 million people internally, and forced another 340,000 to seek refuge in neighbouring countries. Fortunately, some progressive stabilization of the situation has been evident since January 2001 and implementation of the Lusaka Ceasefire Agreement has finally begun. The conflicting parties are slowly disengaging, the United Nations Mission in the Democratic Republic of the Congo is deploying troops, and the Facilitator and other actors are working hard to get the inter-Congolese dialogue moving. Former President Mandela and others have kept the Arusha process for Burundi moving forward. However, many obstacles to peace remain in the region and conditions for the voluntary repatriation for Burundian and Congolese Republic refugees have not yet been met.

6. In southern Africa, Angola may now constitute the continent's most acute humanitarian crisis, with an estimated 3.8 million displaced and war-affected people. Over 430,000 Angolan refugees are outside of their country, mainly in Zambia and the Democratic Republic of the Congo. In 2000, after the Security Council called for greater attention to be paid to their needs, UNHCR launched a limited assistance programme for up to 200,000 internally displaced people on the outskirts of Luanda and in two northern provinces.

B. Regional overviews

7. The regional overviews below focus on the main developments in sub-Saharan Africa since the most recent report to the General Assembly (A/55/471). They have been compiled by UNHCR with contributions from other agencies, notably, the World Food Programme (WFP), the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) Programme of Education for Emergencies and Reconstruction.

1. East and Horn of Africa

8. The region is entering a relatively stable period compared to the political and climatic upheavals experienced in the past year. Steady progress is visible in the peace process between Ethiopia and Eritrea and tension is easing among several countries in the region, namely, between Eritrea and the Sudan, and between Ethiopia and Somalia. Furthermore, significant progress has been made in achieving durable solutions for residual caseloads in the Horn of Africa. On the other hand, civil conflict continues in the Sudan, leaving little optimism for imminent repatriation.

Sudan

9. The Sudan continues to suffer from the consequences of its protracted civil conflict, which makes hope of early repatriation unlikely for the 443,000 Sudanese who have been living in neighbouring countries for decades, and the huge number of internally displaced persons. The two peace initiatives, one proposed by Egypt/Libyan Arab Jamahiriya and the other by the Intergovernmental Authority on Development, remain parallel, the principal disagreement being the secularization of the State and self-determination for southern Sudan. UNHCR continues to maintain its current strategy of non-promotion of repatriation and provides care and maintenance to the refugees. It is also actively pursuing a policy of self-reliance for the refugees and the host communities, as well as seeking means for local integration as one possible durable solution for such protracted refugee situations.

Repatriation to Eritrea

10. Following the signing of a peace accord in Algiers, on 12 December 2000, a temporary security zone was established and 4,200 United Nations peacekeepers were deployed in the temporary security zone under the United Nations Mission in Ethiopia and Eritrea with a mandate until 15 September 2001. This created conducive conditions for refugees and internally displaced persons to return, as stability is slowly re-established in both Ethiopia and Eritrea. Repatriation of Eritrean refugees in Sudan started on 12 May 2001 following the successful tripartite agreement signed between Eritrea, the Sudan and UNHCR on 22 March 2001. Some 62,000 refugees are to be repatriated by the end of 2001. The first phase of the returnee programme, which was concluded at the end of July 2001, has seen 20,984 returnees, and another 28,000 have been registered to return. UNHCR continued to register Eritrean refugees living in the Port Sudan area for return to Massawa, Eritrea. Those repatriating include refugees from both categories: the long-staying refugees who left before independence in the 1980s and early 1990s and the new arrivals who entered in May 2000 when the border conflict resumed between Ethiopia and Eritrea. The date for completion of the operation is set for the end of 2002. UNHCR continues to play a major role in the reintegration of returnees and displaced persons by closely monitoring their return.

Kenya

11. Kenya continued to receive a steady influx of asylum-seekers from various countries, mainly from the Sudan and Ethiopia. On 31 March 2001, inter-factional fighting in a southern Somali border town of Bula Hawa resulted in the arrival of about 11,000 Somali refugees. Initially, the Kenyan authorities allowed their temporary settlement within the local community. UNHCR was then requested to relocate the refugees from Mandera to Dadaab refugee camp. In the

meantime, a peace agreement had been concluded between the different clans involved in the conflict, allowing about 4,000 refugees to return to Bula Hawa with their personal belongings. UNHCR provided transport assistance to vulnerable groups during June and the first week of July.

12. In January 2001, a sudden influx of more than 2,000 Tanzanians fleeing post-election violence arrived from Pemba and Zanzibar islands seeking asylum. After working in close coordination with the Governments of Kenya and the United Republic of Tanzania to find a solution for the refugees, 674 refugees were repatriated from the Kenyan port of Shimoni, south of Mombasa, to the Tanzanian island of Pemba on 14 May. Prior to the above-mentioned organized departures, about 1,100 refugees had spontaneously repatriated during March and April. A group of 505 refugees who, at the request of the Kenyan authorities, had been transferred to Dadaab refugee camp at the end of April, remained in Kenya as a residual caseload. The lack of agreement in the negotiations between the two Tanzanian parties, the Civic United Front and Chama Cha Mapinduzi (Revolutionary Party), has complicated the repatriation of this group.

Repatriation to Somalia

13. In spite of the elusive prospects for durable solutions elsewhere in the country, voluntary repatriation to north-west Somalia resumed on 10 April 2001. The total number of Somalis repatriated since 1997 has now surpassed the 160,000 mark. In 2001, out of a target figure of 70,000 for repatriation and dispersal, 28,181 have so far left the camps. This figure included 3,670 Ethiopian nationals (of ethnic Somali origin) who have returned to their communities of origin in Ethiopia. During 2001, UNHCR will aid the dispersal and reintegration of the 10,000 Ethiopians who were refugees in Somalia until 1991 but who, since returning to Ethiopia, have been living in the camps alongside Somali refugees.

14. As repatriation continues, Teferi Ber and Darwanaji refugee camps in eastern Ethiopia closed in June 2001 and Daror, the third of eight Somali refugee camps, will close by the end of the year, bringing the Somali refugee population down to 60,000 in the remaining camps. The camps were opened in 1991 to accommodate Somali refugees fleeing the outbreak of civil war that followed the collapse of the Siad Barre regime the same year. UNHCR estimates that, by the beginning of 2002, some 50,000 refugees will be in eastern Ethiopia, of which 35,000 are expected to repatriate by June 2002. The remaining 15,000 refugees will be accommodated in two camps, as most are from southern Somalia where the current security situation is not conducive to repatriation. This is in line with the two-pronged UNHCR repatriation strategy, namely, promotion to zones of recovery (north-west and north-east Somalia) and facilitation to zones of transition and/or crisis (central and southern Somalia). Closure of these camps marks a step towards phasing out the decade-long programme for Somali refugees in Ethiopia. It is imperative that the international community support and resource the crucial link between relief operations and sustainable economic development to allow UNHCR to hand over its reintegration activities to relevant partners.

15. Somali refugees in Kenya are also expressing willingness to return. Some 4,500 refugees have stated their wish to repatriate to southern Somalia, while 3,145 refugees have been cleared for repatriation to both north-east and north-west Somalia. UNHCR continues to work with the Government of Djibouti and the Somali authorities of the self-proclaimed autonomous north-west region of Somalia to start voluntary repatriation of the 21,615 Somali refugees in the country.

Ethiopian refugees

16. The chapter on one of the long-standing refugee situations has been closed. With the application of the "cessation clause" that came into effect in March 2000, 10,547 pre-1991 Ethiopian former refugees repatriated from the Sudan and 1,780 from Djibouti. Before the operation, some 12,000 pre-1991 Ethiopian refugees had been living in camps in the Sudan and an even larger number in the urban areas, making the Sudan the largest host country for Ethiopian refugees. Between 1993 and 2001, more than 84,000 Ethiopians returned home from the Sudan.

2. West and Central Africa

17. Some 1,062,200 refugees and other persons of concern to UNHCR are to be found in this region. The Mano River Basin countries alone witnessed movements of 705,600 refugees as widespread civil conflicts in the subregion triggered refugees and local populations to flee from border areas further inland, to

their country of origin or to neighbouring countries. Despite these developments, positive signs raise hope for the region. There were a number of high-level missions to the region, including the visit of the United Nations High Commissioner for Refugees. Given the precarious security situation, emergency preparedness will be strengthened in close collaboration with the United Nations agencies, non-governmental organiations and the Economic Community of West African States (ECOWAS).

18. A series of talks on confidence-building measures and disarmament were held in the first half of 2001 between the United Nations, ECOWAS, the Government of Sierra Leone and the Revolutionary United Front (RUF). A review meeting of the Abuja Ceasefire Agreement, the Fourth Meeting of the Coordination Mechanism and the Meeting on 15 May, which set a time frame for disarmament, demobilization, repatriation and reintegration, opened new opportunities for humanitarian activities. One important political decision was the agreement reached with RUF to withdraw from the district of Kambia, release child combatants and return seized United Nations weapons. As disarmament continues, there is renewed hope for peace which could facilitate further repatriation of Sierra Leonean refugees from Guinea.

19. A United Nations inter-agency mission, led by an Assistant Secretary-General for Political Affairs, visited the region from 6 to 27 March 2001. UNHCR provided substantive input to the mission report, entitled "Towards a comprehensive approach to durable and sustainable solutions to priority needs and challenges in West Africa" (S/2001/434). The mission reviewed various peace and security issues in the region, and noted the significant impact of the refugee crisis, particularly the necessity of securing commitment from the host Governments and rebel groups for safe access to and safe passage of refugees and returnees. The mission also recommended that the mandate of the United Nations Mission in Sierra Leone be expanded to cover the three Mano River Basin countries, and that a United Nations office for West Africa be established.

Guinea

20. The operation that started in May 2001 to transfer the Sierra Leonean refugees to more secure areas from the Languette, or "Parrot's Beak", was completed with 58,000 refugees relocated to four camps in Kissidougou, Albadaria and Dabola Prefectures. A registration and verification exercise under way in those camps will allow better planning of UNHCR protection and assistance activities. As for the Liberian refugees, a sensitization campaign is being conducted for their relocation from Kouankan (Macenta) and other border areas to the new site of Kola (Nzerekoré), where there are plans to host between 20,000 to 30,000 people. The first convoy started on 6 August 2001 with 216 refugees. A total of 15,000 Liberians will be affected by this operation. During the second half of the year, UNHCR will further improve living conditions and consolidate assistance programmes for relocated refugees, and will carefully assess the possibility of return according to clearly established conditions for repatriation. Continued funding support from the international community will be of paramount importance in providing adequate protection and assistance to refugees in Guinea. Compared to the size of the national population, Guinea hosts 58 refugees per 1,000 inhabitants, the highest proportion of all African host countries.

Sierra Leone

21. Meanwhile, in Sierra Leone, UNHCR has registered over 55,000 Sierra Leonean returnees from Guinea since September 2000, and has enhanced its reception and absorption capacity for those returnees originating from unsafe areas. These include two host communities and three temporary settlements. Most arrivals are those who left the Parrot's Beak region of south-west Guinea after the closure of camps and termination of assistance. The disturbances in Lofa County, Liberia, are worrying. By July 2001, some 2,448 Liberian refugees and over 28,644 Sierra Leonean returnees had arrived in Daru, eastern Sierra Leone. The significant population movements between Liberia and Guinea into and through RUF-controlled territory in Sierra Leone highlight the importance of securing safe access to and safe passages for both refugees and returnees.

Gambia

22. The resurgence of fighting in mid-May 2001 between the Senegalese Government forces and rebels of the separatist Movement of Democratic Forces of Casamance provoked the flight of over 6,000 refugees from their homes in Casamance, Senegal. Most of them spontaneously settled along the Gambia's southern

border, but returned to their villages of origin shortly afterwards. Currently some 2,000 refugees remain spread over more than 40 villages in the border area. UNHCR coordinated several joint assessment missions with non-governmental organizations, government officials and other agencies, and responded to immediate needs for food and medicine.

Repatriation to Chad

23. The repatriation of Chadian refugees from Cameroon has now entered its final stage. Chadian refugees fled civil war in the 1980s and were granted prima facie refugee status until 1994. During the first half of 2001, 2,157 refugees from Cameroon repatriated. By early August 2001, 899 urban refugees had repatriated from Yaoundé, Cameroon's capital, bringing the total number of those repatriated from Cameroon to 5,530, while some 40,000 Chadians are believed to have been integrated locally. In 2000, a total of 2,521 Chadian refugees repatriated from the Central African Republic, as well as small numbers from Benin and Gabon. The repatriation of Chadian refugees is expected to be completed by the end of the year. Meanwhile, UNHCR continued its reintegration activities in Chad assisting in education, health, microcredit projects and agricultural training.

Central African Republic

24. The attempted coup in Bangui in late May 2001 displaced a significant number of people. Ten refugees were killed in the turmoil and over 25,000 fled to neighbouring countries, mainly to the Democratic Republic of the Congo. Some 15,000 refugees are in Zongo, in north-western Democratic Republic of the Congo, up to 7,000 are in 20 villages along the Democratic Republic of Congo side of the Oubangui River and another 3,000 to 4,000 are in Libenge, halfway between Betou and Zongo. UNHCR delivered relief-assistance materials to Zongo and a chartered aircraft carried several tons of relief supplies. The UNHCR emergency team on the ground has arranged with non-governmental organizations and local community groups for their distribution.

Gabon

25. UNHCR continued to seek the resettlement of the Congolese ex-military refugees in Gabon: 17,500 of the 18,000 refugees and asylum-seekers are from the Republic of the Congo. Social services, food and health assistance were provided to increase the capacity of the government schools, which were attended by 80 per cent of refugee children of primary-school age. The construction of ten classrooms has been initiated in Nyanga and Haut-Ogoue, where the majority of Congolese refugees are located.

3. Great Lakes region

26. The Great Lakes region remains one of the most complex and volatile areas in Africa, with some 1.371 million refugees. Multiple external and internal actors engaged in the conflicts further complicate an already bleak humanitarian situation in the region, with negative impact spilling over to surrounding neighbours. Nevertheless, commendable mediation efforts have also taken place: the slow but steady progress made in the Arusha peace process for Burundi; the revival of the Lusaka Peace Accord for the Democratic Republic of the Congo with renewed commitment by President Joseph Kabila; and the holding of various bilateral talks. There were also several high-level missions to the region, including those of representatives of the United Nations Security Council and the United Nations High Commissioner for Refugees.

27. In May 2001, the Security Council undertook a mission to the region, holding talks with the signatories of the Lusaka Ceasefire Agreement, essential players and other dignitaries, in an effort to advance and strengthen the peace process. Breakthrough decisions and agreements were reached soon after, including the agreement of the Mouvement de libération du Congo to withdraw unconditionally as of 1 June 2001; the opening of fluvial traffic on the Congo River; the first preparatory meeting of the Inter-Congolese dialogue; and the extension of the mandate of the United Nations Mission in the Democratic Republic of the Congo until June 2002. UNHCR appointed a coordinator for the Democratic Republic of the Congo and Burundi situations, in an attempt to review the political and security situation and also assess prospects for voluntary repatriation and the subsequent consolidation of repatriation operations.

Democratic Republic of the Congo

28. The conflict in the Democratic Republic of the Congo has displaced 1.8 million people internally and forced another 340,000 refugees to neighbouring countries. Despite this insecurity, encouraging

developments, in particular the political will shown by various actors to resolve the conflict have opened a window of opportunity to carry out humanitarian assistance and seek durable solutions in the region. Capturing the momentum, Presidents Kabila and Mkapa issued a joint communiqué in May 2001 calling for an immediate tripartite meeting between the Democratic Republic of the Congo, the United Republic of Tanzania and UNHCR to prepare for repatriating the Democratic Republic of the Congo refugees from the United Republic of Tanzania. This has also been one of the major operation grounds for the United Nations Children's Fund (UNICEF) which assisted the internally displaced population of an estimated 1.8 million, of which 250,000 are children under 12 years of age.

United Republic of Tanzania

29. Currently, the United Republic of Tanzania is hosting 388,500 out of a total 600,000 Burundian refugees. Despite the mention in Tanzanian President Mkapa's address to the Security Council in May, and more recently at the meeting of the Organization of African Unity (OAU) Council of Ministers held in July 2001, of returning refugees to safe zones inside Burundi, the United Republic of Tanzania has given assurances that any return of refugees would be within the context of the Arusha Accord and the Tripartite Agreement on Voluntary Repatriation of Burundian refugees in the United Republic of Tanzania signed on 8 May 2001. A special bilateral committee is to be established to discuss structured modalities for repatriation and resettlement of Burundi refugees living along the Tanzanian western border.

Burundi

30. The general security situation in Burundi remained precarious during the reporting period. United Nations security phases III and IV declared in all parts of the country restricted UNHCR attempts to carry out humanitarian activities. Despite the progress made in the Arusha peace process, the common feeling is that conditions in the country are not yet conducive for voluntary repatriation. Rather than promoting immediate voluntary repatriation, the holding of tripartite meetings is aimed at securing ongoing dialogue, preparing the grounds for repatriation when possible.

31. With regard to internally displaced persons, the Minister of Human Rights signed a protocol with the United Nations Resident and Humanitarian Coordinator to establish a Permanent Framework for the Protection of internally displaced persons. Furthermore, a joint Government-United Nations-NGO (Non-Governmental Organization) committee was established to monitor returns of internally displaced persons in compliance with the Guiding Principles on Internal Displacement.[1]

4. Southern Africa

32. The conflict in Angola and the fragile peace process in the Democratic Republic of the Congo continue to dominate political activity in the region. By June 2001 there were over 345,000 refugees and asylum-seekers in the southern Africa subregion and 3.8 million internally displaced persons in Angola. The region's refugee numbers increased by 7.8 per cent during the first half of 2001.

Angolan refugees

33. The conflict in Angola resumed in 1998 after the collapse of the 1994 peace accord. Over 430,000 Angolan refugees are hosted mainly in Zambia and the Democratic Republic of the Congo, and 3.8 million are internally displaced. International humanitarian aid agencies are resuming operations in Uige following signs of improvement in the security situation in and around the province. However, sporadic attacks by the National Union for the Total Independence of Angola (UNITA) continue, pressuring the Government and the international community to continue relocating internally displaced persons to safer areas as new arrivals reach the camps, thereby further complicating the work of humanitarian workers. UNHCR is providing assistance to over 200,000 internally displaced persons in the three northern provinces.

34. Following the bilateral initiative taken by Angola and Zambia in May 2001, talks have taken place to establish a mechanism for facilitating repatriation. This was furthered as the Heads of State of Angola, Namibia and Zambia met on 26 June 2001 to review issues of mutual concern on peace and security along their common borders. This positive development could greatly enhance the assistance and protection of refugees and the drawing up of tripartite agreements that will ensure dignified and secure return of refugees. UNHCR is holding consultations with relevant stakeholders and has established a technical committee

to further consider possibilities of return. Meanwhile, small numbers of Angolan asylum-seekers are entering Zambia via the north-west province. Zambia is currently the largest refugee host country within the southern Africa subregion, hosting more than 260,000 refugees, of which Angolans constitute the largest caseload.

35. In Namibia, UNHCR upgraded its representation level from a liaison office to a branch office as of July 2001, to reflect the situation on the ground with the increased arrivals of Angolan refugees. Field offices in Rundu and Osire were also officially recognized, allowing UNHCR to carry out protection and assistance programmes. An average of 300 individuals continue to arrive each month, bringing the registered refugee numbers to 20,600 by mid-2001.

C. Inter-agency cooperation

36. Inter-agency coordination is an effective and efficient way to maximize expected output by bringing together diverse expertise, especially in the provision of protection and assistance to refugees, returnees and displaced persons. A few specific areas deserve particular mention.

1. Relief assistance

37. As in past years, UNICEF and the World Food Programme (WFP) have provided essential assistance to refugees, returnees and displaced persons in Africa. UNICEF works in collaboration with other United Nations agencies in all the regions, but during 2000, it put particular emphasis on the Great Lakes region and West Africa in the child-protection, health, sanitation, and education sectors. In the Democratic Republic of the Congo, UNICEF, together with World Health Organization, provided assistance to help control epidemics during the cholera outbreak. National immunization days reached some 10 million children, including the vaccination of 700,000 under the age of 5 against measles. A total of 3.2 million children in Burundi were vaccinated against polio and received Vitamin A. In Guinea, UNICEF set up a multisectoral team at the end of May 2001 to increase the coordination, follow-up and efficiency of UNICEF interventions in Kissidougou. UNICEF also provided drugs, hospital equipment and vaccines in Guinea and in Sierra Leone, where basic health care was provided to both the internally displaced and the local population. Other essential programmes include education and training on health, nutrition and child protection. Mine-awareness activities are being carried out in Angola, where 3 per cent of child disabilities are caused by landmines.

38. In 2000, WFP reached a total of 12.3 million refugees, returnees and displaced persons in sub-Saharan Africa. Major programmes were in Angola, the Democratic Republic of the Congo, Eritrea, Ethiopia, Uganda and the Great Lakes region, some including assistance to host populations. WFP also ensures that gender-awareness figures prominently in food assessment, monitoring and distribution processes.

2. Security of refugee settlements and staff safety

Security of refugee settlements

39. The intermixing of armed and military elements with refugees increasingly poses a serious threat to the security of refugees, host communities and humanitarian personnel. Infiltration of small arms and light weapons in the camps heightens the risk of armed attacks on refugee settlements, aggravates tensions between States and creates fertile ground for crime, banditry and violence. As stated in the Guiding Principles on humanitarian assistance, adopted by the General Assembly in annex I to its resolution 46/182 of 19 December 1991, host countries are primarily responsible for the physical protection of refugees and for maintaining the civilian nature of refugee camps and settlements. However, if the Governments do not have the resources or the capacity to do this, the international community is asked to extend support. UNHCR is often called upon to provide advice, training, technical and logistical support in the absence of security arrangements in refugee settlements.

40. The Office has, in the past, undertaken various initiatives to reinforce security: supporting the establishment of security structures in refugee camps; closely monitoring the security situation and coordinating with partners on the ground; conducting training to promote respect for international instruments on refugee law; providing advice on separating armed elements from civilians; and establishing camps away from borders and fighting zones. In Kenya, Rwanda and the United Republic of Tanzania, UNHCR has introduced "security packages" in refugee-populated areas. The primary purpose of these packages is to ensure the civilian nature of

refugee settlements and to maintain law and order in and around the camps. In 2001, UNHCR will provide a similar security package for the refugee camps in Guinea, where the refugees have been transferred further inland from the camps close to the Sierra Leone and Liberian borders. The package, which will be integrated within the overall UNHCR programmes in the country, will cover security tools including vehicles and radio equipment, along with the building of infrastructure, provision of fuel, domestic needs and office equipment. The Office will ensure that policing is in accordance with international standards and norms and that it fully encompasses protection principles, judicial procedures and awareness on sexual and gender-based violence.

Staff safety

41. Between September 2000 and mid-2001, four UNHCR colleagues were brutally murdered in the field and three were abducted. Six International Committee of the Red Cross (ICRC) officers were killed in April, and a United Nations field security officer fell victim to gunfire in July 2001. Humanitarian personnel are no longer perceived as neutral, but often become targets of threats and attacks.

42. UNHCR continues to work with UNICEF, WFP, and the United Nations Security Coordinator in an effort to enhance the safety of humanitarian personnel in the field. Inter-agency initiatives include more effective use of the United Nations inter-agency Security Management Team, chaired by the Designated Official for Security; deployment of sufficient numbers of field safety advisers to offices in high-risk areas; and better focused security training with experienced input from United Nations agencies and humanitarian partners on the ground. In due course, security training will become mandatory for all staff prior to assignment to high-risk duty stations. Enhanced security communication networks, information-sharing and security analysis are crucial areas that need to be reinforced.

43. The Office of the United Nations Security Coordinator and several humanitarian agencies have set minimum operational security standards as consistent security benchmarks in the field which outline minimum acceptable levels for communications infrastructure, safety equipment, evacuation, training requirements and interaction among agencies and partners. The incorporation of such standards will inevitably require resources and global understanding and support.

3. Coordination of resources

44. The consolidated appeals process continues to serve as the coordination mechanism for United Nations agencies, the International Movement of the Red Cross and the Red Crescent, non-governmental organizations and Governments to develop strategies and set priorities. For 2001, the Office for the Coordination of Humanitarian Affairs has launched consolidated appeals processes for 13 African countries and regions, proposing programmes for a total of $1,588,325,046. By mid-year, $278,886,223 was made available, or 17 per cent of the total amount. Life-saving activities, such as emergency food aid, receive most of the contributions, while non-food-related issues, such as agriculture, education and sanitation, remain painfully underfunded. Added to the challenges of donor fatigue and the time lag between pledges and the arrival of resources, is the spontaneous funding channelled through increasingly large numbers of organizations outside the consolidated appeals process framework, which are often without reference to coordination mechanisms or common objectives. Given the complexity and multitude of recent conflicts, it is critical that strategic planning and effective channelling be in place to ensure that needed resources are provided in sufficient quantity and in a timely manner for the protection and assistance to refugees, returnees and the displaced, including children, women and the elderly.

4. Assistance to and protection of refugee children and refugee women

Refugee children

45. At the end of 2000, an estimated 3.6 million refugees were in Africa, of which approximately 56 per cent were refugee children under the age of 18. UNHCR protection strategies for refugee children and adolescents include action against separation, sexual exploitation, and military recruitment, and the promotion of education. Children officers and advisers covering Africa actively implement refugee children policies in close collaboration with non-governmental organizations and United Nations agencies, such as UNICEF, WFP, UNESCO and the Office of the Special Representative for Children and Armed Conflict.

Recently, the Security Council has put the issue of protection of children and other vulnerable groups on its peace and security agenda, and the special session of the General Assembly on children will be a landmark in recognizing the adverse effects that armed conflicts have on children and vulnerable groups.

46. During the reporting period, UNHCR, together with UNICEF, ICRC and specialized non-governmental organizations, such as the International Rescue Committee and the International Save the Children Alliance, have undertaken collaborative efforts to strengthen the tracing and reunification of separated children, notably in Guinea and Sierra Leone. While cross-border tracing and reunification was not possible for Burundian and Congolese refugee children, owing to the volatile situation in their respective countries of origin, documentation, inter-camp tracing and reunification continued in the United Republic of Tanzania. Efforts were made to increase coordination and the accuracy of the databases established by the relevant organizations, while tools, such as "photo tracing albums" and radio broadcasts, were in continued use. Action for the Rights of Children (ARC), an inter-agency initiative that includes UNHCR, the International Save the Children Alliance, UNICEF and the Office of the United Nations High Commissioner for Human Rights, plays an important role in disseminating experience accumulated in the protection and provision of assistance to separated children in the field. Regional ARC activities continued throughout the year and included the training of peacekeepers and military personnel in western Africa, and the integration of ARC materials into the capacity-building initiative in Angola of the Office for the Coordination of Humanitarian Affairs.

47. Given their vulnerable situation, refugee, returnee and internally displaced children are among those most at risk of illegal recruitment in or near zones of conflict. In coordination with UNICEF and other partners, UNHCR implements various activities to rehabilitate and reintegrate former child soldiers into their communities through, among other things, non-formal education, skills training and income-generating activities. Programmes also include efforts to reintegrate former child soldiers into the refugee community in Guinea and care arrangements for returnee children, including ex-combatants, in Sierra Leone. In the Sudan, significant progress was made by UNICEF in 2000 towards initiating the process of demobilizing child soldiers reportedly fighting or working with the rebel forces. Some 3,400 child soldiers have already been demobilized. In the Democratic Republic of the Congo, where the Government outlawed recruitment of children under 18 years of age, as of June 2000, formal structures were set up in both Government and rebel-held areas of the country to design and manage the future demobilization and reintegration of child soldiers. In Burundi, UNICEF conducted training for social workers in legal assistance for children in need of special protection, for members of the police on the Convention on the Rights of the Child and for magistrates on international instruments protecting minors in detention.

48. The interests of children affected by conflicts also figured prominently in the Pan-African Forum on the Future of Children in Africa, held in Cairo from 28 to 31 May 2001. The Forum, led by the Organization of African Unity, was to feed into the special session of the General Assembly on children to be held in September 2001, at which the African Common Position was developed, calling for the right to protection, especially the protection of children in situations of armed conflict and under foreign occupation. Participating States called upon member States and the international community to increase care and protection for these children; to reduce the impact of wars; and to protect children from recruitment as child soldiers. Member States were also called upon to reaffirm their commitment to the United Nations and OAU Conventions relating to refugees, human rights and children.

Refugee women

49. Mainstreaming gender in all aspects and at all levels of assistance and protection to refugees, returnees and internally displaced persons has been a priority for UNHCR. Joining efforts with other United Nations agencies and non-governmental organizations, the Office has adopted policies and guidelines on gender, especially for refugee women, and has translated these policies into action through the senior coordinator for refugee women and regional advisers on refugee women deployed to the field. At the beginning of 2001, a gender adviser joined the emergency response team that was deployed to Guinea and Sierra Leone to provide technical advice and support to ensure that the operations carried out were

responsive to needs and priorities of both women and men. Security Council resolution 1325 (2000), on women, peace and security called for empowerment of women, including refugee women, to participate actively in the peace process as a key goal of the United Nations, UNHCR and partners. One successful example of this was a group of Burundian women uniting across ethnic, political and class backgrounds and having their voices heard in the peace-building process. Most of the recommendations jointly put forward were included in the Burundi Peace Agreement. At the local level, capacity-building in strengthening peace-building skills is being conducted in several countries, including Kenya, Uganda and the United Republic of Tanzania.

50. A ten-year review of the UNHCR policy contained in the 1990 Guidelines on the Protection of Refugee Women, is under way and the final results are expected during 2001. UNHCR is working on a gender equality policy that complements the 1990 Refugee Women Guidelines and incorporates new approaches, as defined in the Beijing Platform for Action. In this context, a three-day consultation on the theme "Respect our rights: partnership for equality" was held in June 2001 to define a new partnership between UNHCR and refugee communities based on women's empowerment. The consultation gathered 50 refugee women from around the globe and drew on the experiences of both refugee women and UNHCR to formulate practical ways to strengthen UNHCR policies, processes and programmes for promoting gender equality.

51. UNHCR and its partners have also been developing programmes and activities that address prevention and response to sexual and gender-based violence in a variety of refugee settings around the world. This includes the establishment of multisectoral prevention and response initiatives addressing the needs of adolescent girls in Guinea, Kenya, Liberia, Sierra Leone and the United Republic of Tanzania. In March 2001, UNHCR convened an inter-agency lessons-learned conference on prevention and response to sexual and gender-based violence in refugee and internally displaced settings to assess the progress made in implementing the 1995 UNHCR Guidelines on the Prevention of and Response to Sexual Violence.

5. Education

52. Recent budget constraints in various United Nations agencies have pushed back efforts for education as scarce resources are diverted to immediate "life-saving" interventions. As the integral foundation for refugees and internally displaced persons, from the time of emergency to rehabilitation, development and conflict prevention, education needs to be given more recognition within humanitarian assistance in Africa, for it is life-saving, as can be seen through educational HIV/AIDS prevention programmes. Schooling can also help to protect young people from recruitment into forced labour, military activities and prostitution. In an effort to ensure children's right to education in emergency and crisis situations, an Inter-agency Network on Education in Emergencies consisting of United Nations agencies, non-governmental organizations, practitioners and researchers, was founded in November 2000. The Network's current initiatives include: defining consensual guidelines and indicators; exploring mechanisms for certification for students and teachers, notably in western Africa; and developing a range of quality generic learning materials.

53. The UNESCO Programme of Education for Emergencies and Reconstruction has worked closely with UNHCR since its inception in 1993, especially in Djibouti, Ethiopia, Kenya, Rwanda, Somalia, the Sudan, the United Republic of Tanzania and, more recently, in Zambia, in the field of emergency education. Innovative teaching-learning materials and training programmes specifically developed for emergency situations have been shared with partners of the Programme. Throughout the reporting period, UNHCR, UNESCO and UNICEF have also promoted peace and civic education in Africa, especially for countries emerging from conflict. In addition, UNHCR, UNESCO and ICRC shared expertise on "education and conflict" at the regional education seminars held in Africa initiated by the Organization for African Unity. Through its emergency education programme, UNICEF supports programmes in Angola, Burundi, Guinea, Liberia, Mozambique, Sierra Leone, Somalia, the United Republic of Tanzania and Uganda. Basic education materials are supplied, training of pre-school volunteer teachers is provided, classrooms in tents have been installed and educational kits and recreational kits have been distributed in refugee camps.

54. The long-term gain in terms of secondary education, vocational/technical education and entrepreneurial training should also be recognized. The Refugee Education Trust, an independent fund established in December 2000 with strong support from United Nations agencies, donors, Governments and non-governmental organizations, is a mechanism designed to provide sustainable post-primary education, motivating refugee children to continue and complete primary schooling in the hope that they may return to their communities as teachers, professionals and leaders after obtaining the necessary skills at the post-primary level. Pilot projects will be carried out in Guinea, the United Republic of Tanzania and Uganda from September 2001.

6. HIV/AIDS

55. The Joint United Nations Programme on HIV/AIDS (UNAIDS) estimates that the total number of people living with HIV/AIDS in Africa is 25.3 million. In other words, 70 per cent of the adults and 80 per cent of the children living with HIV in the world are found in Africa. It has also been recognized that conflict, instability, poverty and food insecurity are fertile grounds for HIV/AIDS transmission. However, refugees often do not enjoy the care provided by national AIDS control programmes. Just as worrisome is the fact that situations of displacement can create forced high-risk sexual behaviour and abuse, as refugees find themselves forced or coerced into sex in exchange for basic needs, such as food, shelter and security. Regional action plans and systematic country reporting are being encouraged at the field level on activities undertaken, mainly relating to prevention, care and safeguarding of refugee rights, often in collaboration with agencies such as UNAIDS, UNICEF, the United Nations Development Fund for Women, WHO and also with non-governmental organizations. In Angola, HIV/AIDS awareness magazines have been published and distributed in collaboration with non-governmental organizations partners. In Liberia, training in health care, hygiene and HIV/AIDS has been provided for refugees, nursing assistants, community health workers and traditional birth attendants and midwives. In the United Republic of Tanzania, all refugee camps have completed camp-specific work plans for HIV/AIDS. Programmes included awareness-raising through voluntary screening and home-based care services; health education sessions on prevention, sexual behaviour, rights and responsibilities, family planning and voluntary testing; and training of peer health educators. Nonetheless, implementation capacity still remains limited and strengthening existing partnership with UNAIDS and its co-sponsors at the central, regional and country levels, as well as with local and international non-governmental organizations, will be essential.

56. The effort to translate the international community's commitment to combat HIV/AIDS and to mobilize needed resources, especially in and for Africa, can be seen through the two most recent conferences convened: the African Summit on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases which was held in Abuja, Nigeria, from 24 to 27 April 2001, and the special session of the General Assembly on HIV/AIDS, held in New York from 25 to 27 June 2001. In addition to establishing a global fund for HIV/AIDS, tuberculosis and malaria in order to finance urgent response on prevention, care, support and treatment, the General Assembly committed itself to developing strategies that promote partnership to implement programmes and actions that respond also to emergency situations. The multiplicity of initiatives should become complementary in covering various aspects of the pandemic.

7. Environmental management

57. Taking environmental considerations into account from the outset of operations prevents risking adverse social and economic impacts on local communities, as well as refugees. Based on its Environmental Policy of 1995, UNHCR combines the use of policy development and advocacy with activities that deliver practical support to refugees and communities living close to, or affected by the presence of, refugees and refugee operations. Much of the work done by UNHCR to date in this context has focused on Africa. Increasingly, such activities are designed around community-based approaches to natural resource management, with particular attention being given to women and children.

58. Together with implementing partners, and using earmarked funds for environmental management, UNHCR is currently supporting environmental activities in the Congo, the Democratic Republic of the Congo, Djibouti, Ethiopia, Guinea, Kenya, Rwanda, the Sudan, the United Republic of Tanzania, Uganda, Zambia and Zimbabwe. Practical activities being undertaken include the promotion of fuel-efficient

stoves, reforestation, rehabilitation, agroforestry, permaculture (permanent agriculture), environmental education, awareness-raising and enabling income generation. Monitoring and evaluating impact in refugee operations is also an essential process of environmental activities. Based on a broad consultation process with partners, guidelines on environmental assessment will be available for field testing and finalization in 2001.

8. Post-conflict reconstruction

59. The "Brookings Process", a post-conflict rehabilitation programme led by UNHCR, the World Bank and the United Nations Development Programme (UNDP), has held consultations at various levels to address the gap between humanitarian assistance and sustainable development. However, implementation of proposed programmes was hampered by the security situation in several countries. In April and June 2001, UNHCR met with UNDP and the World Bank, respectively, in an effort to revitalize the Brookings Process and operationalize the rehabilitation programmes for Africa. UNHCR suggested the need to focus on enhancing the productive capacity of refugees and internally displaced persons through empowerment programmes, which could start during asylum and continue later upon return. A budget allocation review of these suggested areas will be conducted to select several projects that can be carried out on the ground.

60. The African Development Bank expressed its particular interest in post-conflict issues during two consecutive meetings, held in February and July 2001. Possibilities for UNHCR to manage emergency funds in the form of grants in refugee and returnee situations will be explored and further meetings held to identify programmes and countries in need. Environment, infrastructure and small-scale projects for local communities are areas of interest in addition to activities to empower refugees.

9. Internally displaced persons in Africa

61. Eruption of conflict continues to displace hundreds of thousands of people. While some cross internationally recognized borders seeking security, others find themselves displaced within their own country, and yet not able to return to their homes because of insecurity. In order to seek solutions for such internally displaced persons, a Senior Inter-agency Network on internal displacement was created in September 2000, and has thus far carried out assessment missions to Angola, Burundi, Eritrea and Ethiopia. The Guiding Principles on Internal Displacement, a compilation of legal norms designed to help provide protection to internally displaced persons, are widely used by UNHCR and other agencies in field operations.

62. UNHCR fully subscribes to the collaborative approach adopted by the United Nations system in responding to internal displacement. Because UNHCR does not have a global mandate for internally displaced persons, each decision to be involved in such operations must be preceded by an internal assessment. By the end of 2000, seven UNHCR country offices were involved in the protection of and/or assistance to internally displaced persons in Africa. Of the 5.3 million internally displaced persons assisted by UNHCR globally, some 1.1 million are in Africa. Angola, which is the first and only country in Africa to have officially adopted internally displaced person principles, has enacted a law making the Guiding Principles on Internal Displacement binding. With technical support from United Nations agencies, the Angolan Government agreed to the minimal operating standards on internally displaced persons, which include site security, land allocation and provision of water supplies and access to markets, health care and schools. Significant improvement is evident in the lives of internally displaced person. In the light of financial constraints, UNHCR can only continue its internally displaced persons assistance when specific and adequate funding is provided. The current situation, with increasingly large numbers of internally displaced persons, calls for consolidated appeals and peace processes to include specific provisions to meet the needs of internally displaced persons and host communities through area-based programmes.

D. Cooperation with continental and subregional initiatives

1. Organization of African Unity

63. There were a number of follow-up activities to the Special Meeting of Governmental and Non-Governmental Technical Experts and policy advisers on international protection organized by OAU and UNHCR in Conakry from 27 to 29 March 2000, and which celebrated the thirtieth anniversary of the OAU Convention governing the specific aspects of refugee

problems in Africa of 1969. These are described in the report of the Secretary-General on cooperation between the United Nations and OAU (A/55/498). An Addis Ababa-based Follow-up Committee, comprising OAU, UNHCR and ICRC representatives, backed by the Geneva-based Task Force, initiated implementation of the 25 prioritized activities outlined in the comprehensive implementation plan adopted by the Special Meeting in Conakry, an international protection framework for Africa. One such activity was the Regional Judges Round Table that was held in Addis Ababa in November 2000. Judges and magistrates from the east, Horn and Great Lakes region of Africa were invited to discuss current refugee problems and to examine the existing legal instruments relating to refugee issues.

64. Also in line with the comprehensive implementation plan, OAU and UNHCR agreed on a revised Cooperation Agreement on 9 April 2001, which reflects current refugee developments such as statelessness, an issue not covered in the previous Agreement signed in 1969. UNHCR is discussing with the African Commission on Human and People's Rights the development of a memorandum of understanding between the two institutions, in order to strengthen and intensify their collaboration.

65. UNHCR and the OAU Coordinating Committee on Assistance and Protection to Refugees and Internally Displaced Persons in Africa co-organized the twenty-sixth ordinary session of the Committee in May 2001 to improve coordination efforts on refugee-related policies and assistance throughout the continent. The Committee, whose members consist of United Nations agencies, regional bodies and non-governmental organizations, adopted a programme of activities to be implemented during 2001. The activities include: further involvement of the national refugee coordination arrangements; conduct of sensitization/accession campaigns on the United Nations and OAU conventions on refugees, focusing on parliamentarians and civil society; and active participation of the Committee in implementing the comprehensive implementation plan. OAU also intends to hold a seminar on security and respect for refugees, reflecting the 2001 World Refugee Day theme "Respect" and the OAU theme "Security of refugees and the challenges posed by the presence of armed elements in refugee camps".

66. At its thirty-fourth ordinary session, held in July 2001, the Heads of State and Government of OAU adopted a resolution, entitled "Fiftieth Anniversary of the Adoption of the 1951 Convention relating to the Status of the Refugees", in which member States reaffirmed their commitment to finding durable solutions to refugee problems, most importantly, by facilitating voluntary repatriation, while endeavouring to create conducive conditions to that effect, and concomitantly take preventive measures, and peacefully resolve conflicts in order to avoid the forced displacement of populations.

2. Subregional initiatives

Intergovernmental Authority on Development

67. UNHCR participated actively in the activities of the United Nations country teams in the region, particularly with regard to the advancement of the humanitarian sector. In Ethiopia, the Office, in collaboration with UNDP, agreed to promote and to support the Intergovernmental Authority on Development (IGAD) initiative on conflict prevention, management and resolution and alleviation of humanitarian crisis through the development of area-based plans of action. These action plans aim at phasing out humanitarian assistance and bringing in longer-term development programmes.

68. UNHCR, together with UNDP, and under the umbrella of the Authority, has also drawn up a regional reintegration programme aimed at rehabilitating refugee-impacted areas in countries of asylum, and at introducing measures that will lead to sustainable livelihoods for returnees to war-devastated areas of their country of origin. Beneficiaries of the programme in countries of origin will include returning refugees, internally displaced persons and demobilized militia. Pilot phases of the programme are to start in the second half of 2001 in the Somali National Regional State of Ethiopia, in Djibouti and in the north-west and north-east regions of Somalia. UNHCR has worked closely with IGAD to ensure that humanitarian issues, including refugees and their voluntary repatriation, have stayed on the agenda of peace initiatives for Somalia and the Sudan.

Economic Community of West African States

69. For the western Africa subregion, coordination measures have been taken by UNHCR and the

Economic Community of West African States (ECOWAS) to provide protection and assistance to the refugees within the current political and security situation in western Africa. These measures include UNHCR-ECOWAS cooperation centres on prevention of forced displacement, safety of humanitarian workers, security of refugee settlements, voluntary repatriation, sustainable reintegration and capacity-building. Preparations are under way for the signing of a memorandum of understanding that will include issues on: prevention of forced displacement; the upholding of refugee protection principles, with special attention given to the needs of refugee women and children; security of refugee settlements and safety of humanitarian workers; measures on durable solutions; and capacity-building.

Southern African Development Community

70. For the southern Africa region, UNHCR works in close collaboration with the Southern African Development Community (SADC) in the areas of refugee movements; mechanisms for managing and addressing root causes of forced population movements; conflict resolution; preventive diplomacy; and peacemaking. In 2001, UNHCR held consultations with all SADC member States to discuss the refugee situation and operations in the region, and raised awareness on refugee issues during SADC ministerial and parliamentarian meetings, in conformity with the provisions of the memorandum of understanding signed by SADC and UNHCR in 1996. SADC members also participated in the regional Symposium on Global Consultations held in Pretoria in February 2001.

III. Conclusion

71. On 4 December 2000, the General Assembly adopted resolution 55/76, in which it decided that 20 June would be celebrated as World Refugee Day, originally celebrated as Africa Refugee Day when the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa came into effect in 1974. The Assembly applauds the courage refugees have shown and the contribution they have made, and reinforces the message that the refugee issue is a shared responsibility towards which multiple responses should be focused.

72. The year 2001 marks the fiftieth anniversary of the Convention relating to the Status of Refugees of 1951, which is the cornerstone of the international refugee protection regime. Within the context of the Global Consultations on International Protection, which seek to promote the full and effective implementation of the 1951 Convention and to develop complementary new approaches, States parties to the Convention will gather at the ministerial level on 12 December 2001 to reflect on developments in the refugee situation since 1951. It will be crucial for all those participating to engage in an open dialogue on the challenges that UNHCR and refugees face in this rapidly changing world.

73. As UNHCR faces increasing demands despite its limited resources, I strongly believe that, in collaboration with the United Nations system, regional bodies, civil societies and other partners, the Office will continue to take the lead in the protection and provision of assistance to refugees and displaced persons in Africa.

Notes

[1] E/CN.4/1998/53/Add.2, annex.

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Situation of human rights in the Sudan

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the interim report of the Special Rapporteur of the Commission on Human Rights, Gerhart Baum, on the situation of human rights in the Sudan, pursuant to resolution 2001/18 of 20 April 2001 of the Commission on Human Rights and Economic and Social Council decision 2001/253 of 24 July 2001.

* A/56/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, the present report is being submitted on 7 September 2001 so as to include as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Sudan

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I. Introduction

1. Following the presentation of his report to the General Assembly at its fifty-fifth session (see A/55/374), Leonardo Franco resigned. By letter dated 28 December 2000, the Chairman of the fifty-sixth session of the Commission on Human Rights appointed Gerhart Baum (Germany) as the new Special Rapporteur on the situation of human rights in the Sudan.

2. Upon accepting his appointment, the Special Rapporteur proceeded to inform himself about the general situation in the Sudan and, in particular, on the situation of human rights and the humanitarian crisis in the country.

3. On 31 January and 1 October 2001, the Special Rapporteur undertook a mission to Geneva for consultations with the High Commissioner for Human Rights, the staff of the Office of the High Commissioner for Human Rights, specialized agencies, non-governmental organizations (NGOs) as well as with diplomatic missions and independent experts.

4. While in Geneva, the Special Rapporteur had a meeting with the Permanent Representative of the Republic of the Sudan on 31 January 2001 and stated his wish to visit the country at the earliest opportunity.

5. On 13 February 2001, the Permanent Mission of the Republic of the Sudan addressed a letter to the Special Rapporteur inviting him to visit the country, from 9 through 17 March, as suggested by the Special Rapporteur.

6. Accordingly, the Special Rapporteur travelled to Khartoum on 9 March and proceeded to Nairobi on 14 March, concluding his visit on 17 March.

7. The Special Rapporteur acknowledges the very good cooperation he received from the Government of the Sudan throughout his visit. Particular thanks go to the First Vice-President, Ali Osman Mohammed Taha, the ministers met and the Rapporteur of the Advisory Council for Human Rights, who was instrumental in organizing the programme, as well as to the Office of the Resident Coordinator in Khartoum, the United Nations Office for the Coordination of Humanitarian Affairs and Operation Lifeline Sudan (OLS).

8. The present report includes the findings of the mission as well as an updating on the overall situation based on information collected since then.

9. The Special Rapporteur will conduct his second visit to the Sudan during the first half of the month of October 2001, tentatively. His findings will be reflected in his oral presentation to the General Assembly and will be the basis of his next report to the Commission on Human Rights at its fifty-eighth session. The Special Rapporteur intends to visit the Sudan once again in February-March 2002 to update the Commission further on his findings.

II. Respect for human rights and humanitarian law in the conflict

A. The peace talks

10. Intergovernmental Authority for Development (IGAD)-led peace negotiations have failed so far to produce the expected results, owing to the stumbling block issues of the relation between religion and State and self-determination. Regional players have not yet succeeded in reconciling the parties on these two long-standing issues. Following the IGAD Partners Forum (IPF) in Rome in March, some scepticism was perceived regarding the chances of success of the initiative.

11. In its Statement by the Presidency of 11 April 2001 on behalf of the European Union on the IGAD peace process, the European Union, while supporting the IGAD peace initiative, expressed concern about the lack of progress made. It stressed that the active involvement of IGAD at a high political level is crucial in order to achieve substantial progress towards the end of the war, as is the firm political determination of both the Government of the Sudan and the Sudan People's Liberation Movement and Liberation Army (SPLM/A) to find a peaceful solution to the conflict.

12. On 2 June, the first IGAD-brokered peace summit between the Sudanese Government and SPLA since 1997 took place in Nairobi but registered little progress towards a ceasefire or direct negotiations between the parties, owing to a lack of agreement on core issues such as the determination of the boundaries of southern Sudan; State and religion; the kind of government to cover the interim; and the sharing of wealth, which is a particularly relevant issue in view of the current developments in the field of oil exploitation. All IGAD leaders, except the Eritrean President, attended the summit. Another summit scheduled for July, which

both President Omar el-Bashir and John Garang were expected to attend, did not take place.

13. In addition, an Arab African summit is scheduled to be held in September, sponsored by the Governments of Egypt and Libya The Special Rapporteur will report on any relevant developments in this respect.

14. At the regional level, Nigeria and South Africa manifested their wish to contribute actively to the IGAD peace process, including by creating an African version of IPF, which would be comprised of Egypt, Libya, Nigeria and South Africa.

15. On 3 May, the Nigerian Government sought to bring the Sudanese opposition Umma Party and SPLM/A closer to a common platform. The initiative, however, did not result in the resumption of cooperation between the northern and southern opposition movements, mostly owing to the unwillingness of the Sudan People's Liberation Movement and Liberation Army to consider peace initiatives other than IGAD and its refusal to accept the mediation of the Umma Party in this regard.

16. The Egyptian-Libyan initiative, an expanded version of the one first offered by Cairo and Tripoli two years ago, included the formation of a transitional Government that would hold a national conference aimed at adopting vital constitutional reforms and organize genuine general elections. The initiative emphasized the need for separating authorities, adopting constitutional reforms, respecting human rights and establishing a decentralized Government while preserving the unity of the Sudan and guaranteeing balanced and equitable development for the whole country. It pointed to the Sudanese Army as a national institution of all the Sudanese people, stressed the need for adopting a foreign policy that protects national interests and recognized party, religious and cultural diversities. However, in line with the previous version, the memorandum made no reference to the referendum on self-determination, which is foreseen in the IGAD initiative.

17. On 29 June, President Omar el-Bashir announced the creation of a national council to evaluate foreign peace initiatives to end the conflict and make relevant recommendations. On 4 July, the Government announced its formal acceptance of the Egyptian-Libyan initiative. Following acceptance by all counterparts of the nine-point memorandum, the Government of Egypt initiated plans to convene a conference to have more detailed discussions on the implementation of such a proposal.

18. It remains to be noted that despite broad acceptance of the nine-point plan, large differences continue to exist between the opposition and the Government, notably on the issue of religion and State and self-determination, on the one hand, and the creation of a transitional Government to replace the current one, on the other. In addition, the Southern Sudan Liberation Movement (SSLM) strongly criticized the initiative in the name of self-determination, reiterating its support to the IGAD-sponsored peace process.

19. The Special Rapporteur was pleased to learn of the latest developments in the people-to-people peace process at the grass-roots level, particularly the Nuer conference, held in Kisumu, Kenya, from 16 to 22 June 2001, leading to the Kisumu Declaration for Nuer Unity and Peace, dated 23 June 2001, whereby 72 Nuer traditional leaders, women and youth representatives, church leaders and representatives of the Sudan Popular Defence Forces and SSLM declared their wish to create unified leadership structures for the whole Nuerland, the area inhabited by the Nuer tribe in western Upper Nile. Considering the deteriorating humanitarian situation in the oil-rich state and the rate of displacement deriving from the fighting around the oilfields, such an initiative is most encouraging. The Special Rapporteur will therefore follow it closely, particularly in view of the holding of the New Sudan Council of Churches-sponsored Nuer Peace Conference.

B. Intensification of military activities

20. During his mission, the Special Rapporteur held numerous consultations with government officials, national and international organizations, SPLM/A and individual experts. He received well-documented information, often from first-hand sources, pointing to the perpetration by all parties to the conflict of numerous serious violations of human rights and international humanitarian law, of which innocent civilians continue to be the principal target. More specifically, indiscriminate bombing of civilians, particularly in the Nuba Mountains and in Blue Nile State, has continued to occur, thus severely hampering access to humanitarian aid.

21. More specifically, on 16 April, a plane carrying relief for the Nuba Mountains was bombed at Kawda airstrip. Reportedly, a total of about 14 bombs were dropped in three attacks, killing one person and injuring two. The first attack took place when hundreds of civilians had gathered at the airstrip around a humanitarian relief plane on the ground.

22. The Special Rapporteur, in his previous reports to the Commission on Human Rights and the General Assembly, had repeatedly condemned the heinous practice of bombing civilians as they gather for food distribution and reiterates his serious concern in this regard.

23. On 17 April, bombs fell near a school in Chauri (southern Kordufan), wounding one child.

24. On 22 April, 16 bombs were reportedly dropped in and around Narus, eastern Equatoria. Two landed in the Narus marketplace and another two hit the church school, destroying the buildings nearby, including a school. According to the sources, one child was evacuated to a Kenyan hospital in critical condition, where he eventually died, and four to seven people were injured.

25. Following an attack in early May which resulted in the death of one of its pilots, the International Committee of the Red Cross (ICRC) decided to suspend all its flights to southern Sudan. The aircraft was hit between Lokichoggio, in north-western Kenya, and Juba in western Equatoria, over the Didinga Hills, in southern Sudan.

26. Overall, during the month of May, 13 bomb attacks were reported in Equatoria, southern Blue Nile, southern Kordofan and Upper Nile. In three separate instances, bombs were reportedly dropped near an NGO compound in Akuem and a dispensary in Tonj, and caused damages to a health centre in Acumcum, all in Bahr al-Ghazal.

27. The second half of May was described as recording the biggest government offensive in the Nuba Mountains since 1992. Allegedly, more than 7,500 government and allied militia troops launched an offensive on 17 May, closing all the airstrips that had been used to bring food and medical supplies into the area. Soldiers reportedly destroyed almost 2,500 homes and systematically burned food stores. It was reported that thousands of Nuba were forced to flee to avoid being taken into government "peace villages".

28. On 24 May, the Government of the Sudan announced that it would halt all air attacks in the country's south and in the Nuba Mountains with effect from 25 May. However, on 25 May, the Sudanese Catholic Information Office reported that 14 bombs had been dropped in Tonj in two attacks. On 26 May, eight bombs were dropped on the Limon Hills, west of Kawda.

29. On 29 May, SPLM/A claimed capture of the garrison town of Daym Zubayr in western Bahr al-Ghazal. On 2 June, it announced the capture of Raga, also in Bahr al-Ghazal, 1,050 kilometres south-west of Khartoum.[1] The SPLA offensive coincided with a resumption of government bombings on 2 June. As a result, a hospital was hit in Raga and some patients were injured.

30. On the morning of 3 June, a Russian Antonov bomber reportedly dropped six to eight bombs on the town, hitting a secondary school run by the Combonians. A day later, another Antonov bomber hit the city, apparently aiming for the bridge on Raga River. Two days later, on the morning of June 6, three more bombs were reportedly dropped, in Bararud, Bahr al-Ghazal, while an Operation Lifeline Sudan C-130 aircraft was about carrying out food drops. The aeroplane was almost hit and the food drop aborted as a result. Unconfirmed reports spoke of two women dead and one man injured.

31. On 7 June, a plane with its lights off reportedly bombed a heavily populated part of Raga near the airstrip, killing at least four civilians, including the wife and child of a church community leader. Several others were injured, including children.

32. It was estimated that such military activities by both sides in western Bahr al-Ghazal have displaced at least 30,000 people. In mid-June, some estimations referred to around 50,000 people in desperate need of humanitarian assistance. Internally displaced persons headed northwards to drought-hit neighbouring Darfur, one group in the direction of Al-Daein, some 350 km from Raga, and the other north-north-west towards Nyala, about 400 km away. Over 10,000 of them concentrated around the village of Timsahah, 144 km north of Raga, where the resident population was just a few thousand persons in normal times. In addition, humanitarian aid came to a halt, since locations from Tonj northwards were declared no-go areas, forcing both church and humanitarian agencies to suspend their

flights to the region. The combination of the above-mentioned factors led to a further deterioration of the living conditions of the internally displaced persons.

33. On 8 June, World Food Programme officials confirmed that on 6 June, an Antonov bomber attack on Barurud in north-western Bahr al-Ghazal had narrowly missed one of its aircraft about to make an emergency humanitarian food drop.

34. On 9 June, SPLM/A captured the town of Boro, near the border separating Darfur from the Central African Republic.

35. On 11 June, the Sudanese Government officially announced its intention to resume air strikes in southern Sudan and in the Nuba Mountains, in spite of the breaches that had occurred since the declaration of the moratorium in May.

36. In mid-June, the United Nations concluded its two-phase evacuation process, thus leaving the government garrison town of Wau in Bahr al-Ghazal, owing to an expected advance on the town by SPLA. United Nations staff were redeployed to Al-Daein to provide assistance to internally displaced persons who had moved there until 7 July, when they returned to Wau.

37. On 23 June, an NGO clinic was bombed in Mundari-Bura, Equatoria, killing one person and injuring two. At the time of the attack, food distribution was taking place. On the next day, six persons were killed during an afternoon attack on Raga, including a mother and a baby, and several were injured. Bombs reportedly fell in a straight line across a strictly civilian area of the town.

38. On 27 June, in a further bombing attack on Raga, six persons, including a mother and two of her children, were reportedly killed and several wounded when a plane dropped between seven and nine bombs.

39. On 6 July, Secretary-General Kofi Annan expressed deep concern about the plight of civilians following the military offensive in Bahr al-Ghazal and called upon the warring parties to seek a peaceful settlement.

40. A number of incidents took place towards the end of July in Equatoria. More specifically, on 22 July, an attack on the Ngaluma displaced persons camp resulted in one civilian dead and two injured. On the same day, !kotos was bombed and three civilians were reportedly killed. Also, six more bombs were reportedly dropped in Magwi. As a result, three children and one woman were killed and three civilians were injured. On 24 July, a total of eight bombs were reportedly dropped in Parajok. Two of them fell in an Operation Lifeline Sudan NGO compound, destroying a building and a storage container and injuring one civilian.

41. The Special Rapporteur also received information on serious disregard for international humanitarian and human rights law by SPLM/A, according to which it continued to loot food (including relief provisions) from the population, sometimes with civilian casualties, recruit child soldiers and commit rape. In addition, the Special Rapporteur was informed that SPLM/A is allegedly responsible for burning down villages in oil-rich western Upper Nile.

42. The Special Rapporteur reflected information received in Nairobi in this respect in the relevant section of the present report dealing with SPLM/A (see paras. 57-71 below).

C. The oil issue: the situation in western Upper Nile

43. The Special Rapporteur met with representatives of the Swedish Lundin Oil Company, who provided him with first-hand information on their activities in the region, informed him of steps taken to address their corporate responsibilities and invited him to visit its oil installations in block 5A.

44. The Special Rapporteur also met with representatives of the Canadian Talisman Company and took note of the company's stand whereby at the time when oil extraction began, perspectives seemed to be more encouraging.

45. The Special Rapporteur repeatedly discussed the issue of oil exploitation with representatives of the Sudanese Government both in Geneva and during his mission to Khartoum, including allegations regarding the forced displacement of the Nuer population, with a view to gaining control of the oil zone.

46. In his oral statement to the Commission on Human Rights at its fifty-seventh session, the Special Rapporteur reflected the Government's stand on this issue, whereby people forced to move away from their settlements would be adequately compensated.

47. In this connection, the Special Rapporteur noted that the Government rejected all accusations that oil revenues would be used to fuel the war and claimed that they were instead invested for the development of the south. So far, the Government has not provided sufficient evidence supporting this claim. Nonetheless, the Special Rapporteur remains interested in receiving evidence on how oil revenues are spent and will investigate this matter further during his next visit.

48. The Special Rapporteur stated his intention to visit the oil area during his next mission, which has been tentatively scheduled for the first half of October. The Government of the Sudan extended an invitation to him in this respect.

D. The issue of abduction of women and children

49. The Special Rapporteur was extensively briefed on the nature and work of the Committee for the Eradication of Abduction of Women and Children (CEAWC).

50. While in Khartoum, he had discussions with the Rapporteur of the Advisory Council for Human Rights and Chairman of CEAWC and with the Chairman of the CEAWC Dinka Committee, the United Nations Children's Fund (UNICEF) and the Save the Children Fund-UK on the issue of abductions.

51. While he welcomes the creation of such a body, he noticed that the progress recorded has been quite slow. Between May 1999 — when it was created, following a resolution by the Commission on Human Rights — and mid-2000, CEAWC identified 1,230 cases of abductions in southern Darfur and western Kordofan. However, by the beginning of mid-2001, CEAWC had only facilitated the return of approximately 550 abductees to their homes out of the total number waiting to be released, which is generally considered to be between 5,000 as a minimum, although figures differ significantly, some reports referring to much higher ones. This is partly explained by the resumption of fighting, which put an end to the safe corridor between government-controlled Aweil to SPLM/A-controlled Bahr al-Ghazal.

52. The Special Rapporteur is particularly concerned about the negative role of the nomadic Arab tribes, the so-called Murahaleen, from which militias are formed, who are armed, funded and militarily deployed by the Sudanese army, especially in Bahr al-Ghazal and western Kordufan. Information received seems to confirm that the Murahaleen do not only target rebel camps or armed individuals, but also civilians, in a very intensive manner. Usually, food crops are destroyed, men are killed and women and children are abducted.

53. The Special Rapporteur will continue to give priority to monitoring the role of the Murahaleen and the Government's action to address this issue.

54. Moreover, the Special Rapporteur received information whereby Dinka representatives continue to face difficulties in the discharge of their tasks. At the grass-roots level, local officials very often do not offer any assistance to CEAWC representatives on the ground. Baggara tribes, usually held responsible for abductions, continue flatly to deny the mere existence of the phenomenon.

55. In addition, the Government, while distancing itself from the practice, has not yet taken concrete measures to prevent new abductions and its inaction has the effect of encouraging the recurrence of the phenomenon. Reliable sources in Khartoum confirmed that in early January 2001, Government-supported militia again carried out raids in northern Bahr al-Ghazal, abducting 122 women and children.

56. During his mission, the Special Rapporteur met with First Vice-President Taha and raised this issue with him, encouraging him to take positive steps to address the situation. The First Vice-President expressed his personal commitment to this cause and promised to take a public stand to this end, although so far there has been no public announcement in this sense. Recently, however, the First Vice-President pledged 10 million Sudanese dinars (roughly $40,000) to cover local requirements for forthcoming CEAWC activities.

E. SPLM/A

57. While in Nairobi, the Special Rapporteur collected information on the situation of human rights in the SPLM/A-held territories. Credible sources reported that, although some basic institutions have gradually been established, they remain extremely weak and there is no serious policy aiming at developing the civil society. The Special Rapporteur was informed that some judiciary structures had been

put in place, including military and civil courts at the regional and county levels. Provisions have been made whereby an accused person would always be provided with legal and paralegal aid. However, he was also informed that only officials at the junior level have been taken to court and punished, while senior officials often enjoy impunity.

58. The Special Rapporteur was also informed that there are no public media within southern Sudan or any organized opposition. In fact, it appeared that nobody is allowed to organize political activities not in line with SPLM/A, for security reasons.

59. As for the use of child soldiers in the conflict, the Special Rapporteur was briefed about the demobilization programme conducted by UNICEF. He was informed that there are some 9,000 child soldiers still bearing arms in southern Sudan within the different rebel groups. As many as 3,500 children have been demobilized since the beginning of the programme, although 8.5 per cent of them fall within the category of unaccompanied minors rather than child soldiers as such. SPLM/A declared itself profoundly committed to the demobilization. UNICEF expressed satisfaction at the cooperative attitude of SPLM/A.

60. However, the Special Rapporteur received information that forced recruitment has allegedly continued together with the recurrence of cases of rape, particularly in Mundri and Chukudum, eastern Equatoria.

61. As for allegations regarding landmines, the SPLM/A representatives rejected them as groundless and assured the Special Rapporteur that the use of landmines has been banned and that landmines are not removed but exploded instead. However, the Special Rapporteur has received information confirming that both parties to the conflict have resorted to the use of landmines. In this connection, he noted that the Sudan has signed, but not yet ratified, the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction.

62. The SPLM/A representatives also denied allegations referring to the use of civilian installations for military purposes and declared that there are no civilian installations close to the military area.

63. Sources also pointed out that among most of SPLM/A leaders there is no serious commitment to peace and that SPLM/A, far from being a genuine liberation movement for the southern tribes, only represents the Bor Ḍinka and has imposed its presence in the south thanks to the support of external actors. In addition, misuse of the religious factor by SPLM/A has reportedly resulted in the misleading superposition of Christianity and the Movement, which is often seen as representing Christianity vis-à-vis the Muslim north.

64. During his mission, the Special Rapporteur met with representatives of SPLM/A in Nairobi and raised a number of issues with them. He will continue to monitor any new developments in his next visit and remains keen to receive any evidence of what was stated by the SPLM/A representatives.

65. Concerning the human rights situation in the SPLM/A territories, the representatives of the Movement informed the Special Rapporteur that a civil society is being built up which is responsible for the provision of basic services such as health and education. In addition, a civil administration has reportedly been established and the judiciary is independent. SPLM/A representatives stated that no human rights violations occur, nor are there any political detainees, only prisoners of war to whom ICRC has access.

66. Political dialogue with other liberation movements within southern Sudan is reportedly allowed. However, the SPLM/A representatives specified that, although different views can be expressed, the creation of proper political parties in the context of war would not be advisable since there cannot be a multiparty system in times of war.

67. The SPLM/A representatives briefed the Special Rapporteur on the role and structure of the National Liberation Council, whereby each delegate is the representative of one of the five regions in southern Sudan.

68. The National Liberation Council reportedly includes no militia but only regular SPLM/A army. Political forces represented include SPLA, SPLM, youth, women from every county (who enjoy special seats), farmers and representatives of SPLM abroad, totalling 188 delegates. They are not represented on the basis of ethnicity.

69. Such delegates are designated and elections only take place at the local level, for the time being. However, the Special Rapporteur was informed that elections would take place before June 2001 and that a National Congress would be held every five years.

70. The Special Rapporteur has not received any follow-up information and would appreciate receiving any further information in this regard to be reflected in his next report to the Commission on Human Rights.

71. The Special Rapporteur inquired about the situation in eastern Equatoria, which had been the object of close scrutiny in the report of a former Special Rapporteur to the General Assembly at its fifty-fifth session. The SPLM/A representatives informed him that the situation had improved. More specifically, they reported that a reconciliation workshop had been foreseen in Chukudum for 8 through 11 April. The Special Rapporteur would appreciate receiving any further details about the outcome of such an initiative.

III. Constitution and transition to democracy

72. While the adoption of a new law on political parties in 1999 had raised some expectations of a more dynamic political interaction, the latest information received seems to indicate that political freedom has actually been restricted.

73. The Special Rapporteur took note with concern of the fact that the state of emergency has been renewed until the end of the year, thus continuing to give the President the power to overrule any law by presidential decree, hence weakening the role of the Parliament.

74. The strengthened role of the security forces and the question of their impunity were very often referred to by the Special Rapporteur in the course of his discussions with government officials.

75. The Special Rapporteur finds it alarming that security forces continued a campaign of harassment, intimidation and persecution, targeting political opponents such as representatives of the Popular National Congress (PNC) and human rights defenders, particularly members of the Sudanese Victims of Torture Group, by means of arbitrary arrests, followed by their detention incommunicado and protracted arbitrary detention without judicial review. Security organs have continued to resort to the practice of reporting, whereby an individual is forced to report to the police on a regular basis. This constitutes an obvious form of harassment which totally disrupts the daily life of the individual concerned.

76. During his visit, the Special Rapporteur expressed most serious concerns vis-à-vis the new amendment to the National Security Forces Act, established by presidential decree, which further extended detention without judicial review to an overall period of six months.

77. In his discussions with the State Minister of Justice, the Special Rapporteur was informed that such an amendment was just a provisional order which had resulted from a specific incident, that the Parliament, once in place, would have to ratify it and that it could be taken up to the Constitutional Court at any time.

78. The Special Rapporteur was informed that on 20 June 2001 the Parliament approved an amendment to the National Security Forces Act, endorsed by the President on 4 July 2001, which allows security forces to arrest and detain individuals for a period of several months without judicial review, depending on the crime. Human rights organizations lamented that such an amendment further restricts the rights of the detainee, in comparison with the previous text.

79. The Special Rapporteur will examine the new text and its impact following its implementation and will reflect his views in his next report to the Commission on Human Rights.

80. The Sudanese media scene is characterized by an impressive number of daily newspapers. Political views are to some extent reflected publicly. The Special Rapporteur, however, has received an increasing number of reports pointing to restrictions on the freedom of the press. In addition, censorship has reportedly increased since December 2000.

81. In this connection, the Special Rapporteur received information whereby all press articles are subject to preliminary censorship by the security organs. Reports on human rights issues, on the views of the political opposition as well as any criticism of State organs are said to be especially targeted. In addition, the Special Rapporteur was informed that journalists are threatened with imprisonment, their freedom of movement is restricted and they are instructed on how to reflect information.

82. Restrictions on freedom of assembly and association have also increased. Gatherings involving more than five individuals require prior approval. If such approval is not obtained, the crime of breach of the public peace may have been committed (Criminal Procedure Act, section 66).

83. The establishment of political organizations or associations requires State permission. Unregistered associations face government sanctions such as the imprisonment of their members and the confiscation of their property.

84. All trade unions are subject to government control. Elections of leaders of trade unions and professional associations are organized and controlled by government organs. Controls over national NGOs have reportedly been tightened, particularly those focusing on human rights.

85. Representatives of Christian churches in Khartoum and Nairobi and in other countries voiced their concern about discrimination, harassment and restrictions on freedom of religion to which they are subject. Recently, the Government has seemed somewhat more willing to discuss issues of freedom of religion. However, the Special Rapporteur remains concerned about the increasing religious characterization of educational institutions and public life in general. Since the church interlocutors almost unanimously share the general opinion that the war has no religious motivation, their complaints should be taken particularly seriously.

86. In this connection, the Special Rapporteur was repeatedly referred to the opinion of the Comboni missionaries of 19 January 2001 that religion is distorted and misused as a means for other interests. The Special Rapporteur will pay particular attention to the above-mentioned complaints during his next visit.

IV. Other reported violations of human rights

Individual cases

87. The Special Rapporteur continued to receive individual cases of human rights violations and expressed his concern in this respect.

88. During a wrap-up session with the Rapporteur of the Advisory Council for Human Rights in Khartoum, the Special Rapporteur handed out a list of selected cases for the Government's follow-up action. The Special Rapporteur welcomed the fact that some of the cases, such as that of Nagib Nageem al-Din, could be at least partially solved with the help of the Government.

89. Since his visit, the Special Rapporteur has continued to receive information relating to individual cases of human rights abuses. In the present report he wishes to refer to the following selected cases:

(a) On 12 June, Hassan Omar Abul Reish, aged 27, PNC Officer for General Education in the province of Kosti, White Nile state, passed away at the Central Police Saihiroun Specialized Hospital owing to complications from wounds sustained while detained. Sources informed the Special Rapporteur that he was arrested together with his brother by security agents on 16 March 2001 from his home in Block 29, Kosti. Allegedly, both of them were initially beaten up in front of their family, then taken to the state security offices in Kosti where they continued to be mistreated. It was reported that in view of the deterioration of Abul Reish's health conditions, the security officers tried to return him home, where his family refused to receive him in such a state. He was taken to Kosti Hospital the next day, where it became apparent that he was bleeding internally. On 18 March, an emergency operation revealed that his spleen had ruptured, and it was therefore removed. Nonetheless, Abul Reish never recovered. In fact, his health deteriorated further due to the large loss of blood and the poor medical facilities in Kosti. The development of jaundice and liver failure provoked a fatal coma;

(b) Two Gezira University students were reportedly shot dead and 16 others injured during a political debate that was disrupted by militant students, policemen and security officers on Thursday, 16 August 2001, in Gezira. Reportedly, non-Gezira University National Congress student militants wearing military uniforms and chanting Islamic Jihad slogans marched onto the campus and interrupted a political debate, which included several political opposition student groups, held by the Gezira University opposition Arab Nassrist Socialist Party student group. Members of the police and security officers allegedly joined forces with the NC militants as the students that were engaged in the political debate attempted to fend off the militants' assault. A police car reportedly ran over one student, Jihan Atif. Gunfire erupted against

the angered students, leading to the deaths of two of them — Hamad Altayeb and Mutasim Mohamed el Hassan — and injuring a further 16, in some cases critically. The two men who were fatally wounded were reportedly shot in the head and chest and died instantly. Another student, Al Nazeer Ahmed Abdullah, was taken unconscious to hospital, where his kidney and spleen had to be removed as a result of his injuries. The other injured students include: Hafiz Osman; Mohamed El Tayeb; Imad Abdel Raheem; Ali Abdel Kareem; Salah Gasmelsaid; Farouq Abdel Raziq; Murtadah Ali Mahmoud; Nargis Sid Ahmed; Leemya Abdellah; Nidal Abdel Aziz and Zubeyda Abdel Raheem. Two militant NC students from a university in Khartoum — Hashim Abdel Raheem and Hoseyfa Ali Aklheir — were also reportedly injured;

(c) Hassan al-Turabi and other senior members of his party were arrested on 21 February after PNC signed a memorandum of understanding with SPLM. On 2 May, Khartoum Criminal Court Judge Mu'tasim Taj el-Sirr, based on a request received by the State prosecutor, ordered a two-week extension of al-Turabi's detention and that of three of his colleagues on the grounds that the detainees' interrogation had not yet been completed. On 15 May, Khartoum North Court turned down the prosecution request since it was not convinced by prosecution arguments that it needed more time to interrogate al-Turabi, particularly since he had not been interrogated since March, and set a trial date for 27 May. On 29 May, al-Turabi was moved from prison, where he had been held in solitary confinement, and placed under house arrest in a government "guesthouse", in Kafuri suburb, north Khartoum;

(d) On 7 April, Muhammad al-Hasan al-Amin, Secretary for Legal Affairs of PNC, was released from detention, after charges against him were reduced;

(e) On 5 June, at 2.30 p.m., Mustafa Abdel Gadir, 61, the principal defence lawyer for the National Democratic Alliance (NDA) members (see below), was arrested from his office in Khartoum by security officers who confiscated documents, some of which belonged to his clients. Family and colleagues were prevented from knowing his whereabouts. He was released at 8.30 p.m. the same evening without valid charges. He was ordered to report to the Political Section of the security offices in Khartoum on Wednesday, 6 June, and Saturday, 10 June. On both occasions he was held for over four hours and interrogated. The trial for the NDA members was scheduled to begin on Monday, 11 June and Thursday, 14 June 2001;

(f) Between 10 and 11 May 2001 security forces re-arrested five members of the NDA political leadership secretariat from their homes in Khartoum and took them to local police stations. Those arrested included: Ali al-Sayyid, Democratic Unionist Party, Mohammed Mahjoub, Sudanese Communist Party, Joseph Ukello, Union of Sudanese African Parties, Mohammed Wida Ala, NDA, and Mohammed Suleiman, Trade Union Alliance. The men had already been arrested on 6 December 2000, following a meeting with an American diplomat in Khartoum, on the grounds that they were plotting against the Government, disrupting national security and supporting the rebel movement with American logistical support. They had been released on bail in late April, following an appeal by their lawyers to the Court of Appeals. However, the Government appealed against this decision to the Supreme Court, which took the decision to re-arrest them on 10 May. While in Khartoum, the Special Rapporteur obtained permission to visit them in Kober Prison, where he learned that they had been detained for 97 days (75 of which were in solitary confinement) and could see a lawyer only after 75 days;

(g) The Special Rapporteur was informed that 41-year-old Faisal el Bagir Mohamed, a member of the Sudan Victims of Torture Group network inside the Sudan and a freelance journalist, was arrested on 13 June 2001 at 6 p.m. from his house in Khartoum. Security officers reportedly searched his house for hours in front of his wife and child. His personal computer, printer, fax machine and all the documents in his house were confiscated. He was released at midnight and ordered to report again on Thursday, 14 June, at 10 a.m. to the security offices in Khartoum. When he returned on Thursday, he was again arrested. Sources believed that his arrest might have been linked to his involvement in the possible organization of a rally to commemorate the United Nations International Day in Support of Victims of Torture, on 26 June. He was released on 26 June without ever being charged. His equipment was not returned to him;

(h) On 12 April, Alfred Taban, publisher of the daily newspaper, The Khartoum Monitor, and the British Broadcasting Corporation correspondent in the Sudan, was arrested and held at army headquarters

under emergency laws. Mr. Taban had allegedly been arrested five times since the beginning of the year. This time, he was arrested as he tried to attend a press conference given by church leaders in downtown Khartoum, following the cancellation by the police of an Easter ceremony on 11 April;

(i) A group of young Christians were arrested and others injured on 11 April in clashes between police and protesting Christians in Khartoum. The Christians, most of them from southern Sudan, had thrown stones at passing cars to protest against a government order to transfer Easter services from central Khartoum to the suburbs. On 12 April, fifty-two Christian men were each sentenced to 15 lashes and 20 days in prison, while four young women and two 12-year-old boys were each given 15 lashes only. It was reported that Sudanese security forces stormed All Saints Cathedral using tear gas and firearms. Several people were injured;

(j) On Saturday, 23 June 2001, the Sudanese authorities reportedly raided a workshop on democracy and gender issues organized by the Gender Centre in Khartoum. All participants in the workshop were interrogated about their political affiliations, their addresses were taken and they were subsequently arrested. Their names were reported as follows: Mahasin Abdel Al, NDA; Neimat Koko, Gender Centre, Omaima Al Mardi, Gender Centre, and Atta Al Battahani, Department of Politics, University of Khartoum. This is reportedly the second time that a workshop held by the Gender Centre has been raided by security forces. The women were released the same day following interrogation.

V. Conclusions and recommendations

A. Respect for human rights and humanitarian law in the conflict

90. Since 1998, the Sudanese Government had been making serious efforts to democratize the country and improve the human rights situation. Evidence of this includes the adoption of a new Constitution and the establishment of a Constitutional Court. The Sudan thus started along a path which could only be considered positive, especially in comparison with other States, including those in the region.

91. At the end of 2000, this path was discontinued and there was a setback, with some security laws being tightened and the security police increasing their activities. Even taking the war into account, this state of affairs cannot be justified.

92. The human rights situation in the Sudan has worsened further during the past months, as is manifested in the renewal of the state of emergency until the end of 2001 by the National Assembly, the provisions of the Security Act as endorsed by the Parliament and the tightening of censorship of the press and the reduced room for political activities by opposition parties.

93. In recent months, there have again been arrests of supporters of opposition groupings and of human rights activists. The trial against leading NDA members is being dragged on; the press has recently been subject to comprehensive censorship once again, after the State had seemed to be relaxing controls.

94. An increase in military activities can also be observed. The Sudanese air force has continued to hit civilian targets in spite of government announcements to the contrary. SPLM/A has, for its part, clearly stepped up its military activities with significant consequences for the civilian population. There are reports of heavy fighting, which is producing large movements of civilians in the Nuba Mountains, Bahr al-Ghazal and Unity state near the oilfields. Abductions of women and children by Murahaleen and other militias along the railway line from Aweil to Wau have increased again. The Government is doing too little to stop this practice. CEAWC needs greater government support.

95. The Special Rapporteur is aware that numerous human rights violations in the Sudan are linked to the war. The people who suffer most are the civilian population. That is why all possible efforts must be made to bring about a peaceful solution between the warring parties, if necessary with outside assistance.

96. In view of the circumstances, the United States, in cooperation with the European Union, IGAD and IPF States, as well as with the involvement of those countries in which oil companies operating in the Sudan are registered, should increase their engagement in the search for a peaceful solution. The conflict in the Sudan threatens to become a "forgotten war" in the eyes of the international community which the world has grown accustomed to. The truth is that the many

years of war in the Sudan have claimed more civilian victims than have other conflicts which have the attention of the world.

97. The Special Rapporteur denounces the constant disregard by both parties to the conflict of their own commitments and lack of observance of human rights principles and humanitarian law.

98. He stresses the appalling conditions of the civilian population, which continues to be at the receiving end of violations committed in the framework of the war.

99. The Special Rapporteur was particularly struck by the plight of the internally displaced persons, of which the most in the world are in the Sudan. He intends to devote more attention to this issue and will envisage the visit of some internally displaced persons camps on the occasion of his next mission to the country. While responsibility for the protection of such persons rests first and foremost with the national Governments concerned, the Special Rapporteur calls upon the international community to see how best it can contribute to this end, in line with the Guiding Principles on Internal Displacement issued by the Special Representative of the Secretary-General on internally displaced persons.

100. In view of the foregoing, the Special Rapporteur aligns himself with the European Union in its call on both the Government of the Sudan and SPLM/A to engage themselves in a continuous and sustained negotiation towards a just and lasting political settlement of the conflict in the Sudan and in its view that it is essential that a comprehensive ceasefire effectively monitored by observers accepted by both sides be promoted as a matter of urgency within the context of the ongoing IGAD negotiating process.

B. Economic, social and cultural rights

101. On the basis of the Vienna Declaration and Programme of Action (see A/CONF.157/23), adopted in 1993 at the World Conference on Human Rights, in which economic, social and cultural rights were recognized as an integral component of human rights, the Special Rapporteur recommends that everything should be done to improve the social and economic situation of the population. According to reliable sources, oil revenue is insufficiently used to this end throughout the country, but particularly in the south. In the field of education in particular there are great shortcomings to be made good. Large sections of the population in the north and south have no educational opportunities; a large percentage are illiterate.

102. In the globalized world of the twenty-first century, all of Africa is in danger of disconnecting from the rest of the world. Responsibility must be borne by the countries of Africa themselves, which have to stabilize the situation within their borders, and by the developed countries with their trade and debt policies.

103. The Special Rapporteur encourages the Sudanese Government, in the run-up to the next Group of 8 Summit in Canada, to create the conditions required to enable the Sudan to participate in the Millennium Programme.

104. The Sudanese Government should also meet the requirements for readmission to international development aid. Respect for human rights, progress on the road to democracy, good governance and practical steps to bring about a peaceful settlement to the conflict are also crucial requirements to this end.

C. The oil issue

105. While reserving the right to make a detailed assessment of the situation following his visit to the area, the Special Rapporteur noted that relevant sources agree that exploitation of the oil reserves has led to a worsening of the conflict, which has also turned into a war for oil.

106. In spite of the infrastructures provided by the oil companies to the local population in oil-rich areas, oil exploitation has continued to have a negative impact on the human rights situation.

107. The Special Rapporteur considers therefore that, no matter what oil companies do in terms of providing such social services as hospitals, schools and roads in the area where they operate, their doing business in a war-torn country characterized by frequent humanitarian crises, mainly although not only related to the fighting in Upper Nile, featuring looting and destruction of crops and villages and generating displacement, will continue to face international criticism until military warfare ends.

108. The Special Rapporteur, while recognizing that oil exploitation has become increasingly important for

the economic development of the country, strongly believes that the right to development cannot justify the disregard of other human rights.

D. Abductions

109. While recognizing that some positive steps have been taken with regard to abductions, the Special Rapporteur is of the opinion that there continues to be a need for a massive advocacy campaign. More specifically, the Special Rapporteur encourages the Government of the Sudan to take a public stand against abductions and in support of CEAWC, in line with the commitment expressed by a number of government officials, including the First Vice-President, during consultations held in the framework of the mission.

110. It is a positive step that the Government has acknowledged the existence of this heinous practice. However, this is not enough. Above all, the Government needs to exercise all its influence on the Murahaleen who are responsible for human rights abuses such as mass killings, torture, rape and abductions. The Government of the Sudan shares responsibility, because the Sudanese army tolerates these human rights abuses, integrates the Murahaleen in its military actions and in part finances, equips and deploys them.

111. The Special Rapporteur believes that a clear and unambiguous policy on abductions would first of all avoid the recurrence of cases of abductions and allow CEAWC to be more effective, particularly at the grass-roots level, thus facilitating the acceleration of the process of retrieval of abductees and their reunification with their families. In this connection, the Special Rapporteur appeals to the Government and SPLM/A to establish and maintain a safe corridor to allow for such reunifications.

112. Finally, the Special Rapporteur believes that perpetrators of abductions should be brought to justice, thus ending the impunity from which they have benefited so far.

E. Constitution and transition to democracy

113. The Special Rapporteur deplores the recurrence of cases of human rights violations and lack of official action to investigate and sanction such abuses.

114. He believes that all measures, be they legislative or administrative, that have been decided on in the last months, which are aimed at strengthening the role of the security apparatus, are worrisome and legitimize its impunity. The Special Rapporteur stresses the need to bring the security police under the rule of law, that relevant legislation therefore be revised and that impunity be fought in the most determined manner.

115. He encourages the Government to take positive steps in the direction of a real transition to democracy, including primarily the repealing of the state of emergency, for which there is no plausible justification.

116. The Government of the Sudan should insist that the terms of the Constitution are respected and obeyed. The Constitutional Court has an important role to play in this respect.

117. The Special Rapporteur urges SPLM/A to stop abusing human rights and prevent such abuses from occurring. SPLM/A is requested to allow and develop genuine democratic structures. Internal structures seem to be military-based rather than genuinely grounded in civil society, which is a crucial condition for the implementation of the right to self-determination.

118. The Special Rapporteur also encourages the Government of the Sudan to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was signed in 1986, and to accede to the Convention on the Elimination of All Forms of Discrimination against Women, in line with the commitment which government officials expressed in this respect.

119. The Special Rapporteur encouraged the Government to consider the establishment of an independent national commission on human rights, an institution that exists in many other countries. The Special Rapporteur believes there are a number of bodies and institutions that are genuinely involved in the promotion and protection of human rights, whose work should be supported. In this connection, he was impressed by the role of the Advisory Council for Human Rights and believes it should be strengthened in

order to be able to have an impact on the situation of human rights in the country.

120. The Special Rapporteur noted the ongoing discussions regarding the programme of technical assistance provided by the Office of the High Commissioner for Human Rights and will follow any new developments in this field.

121. In this connection, he encourages the international community at large, including donors and NGOs, actively to support the Office of the High Commissioner for Human Rights and the Government of the Sudan in their endeavour.

122. Even if the human rights situation has worsened in the past months and the armed conflict has intensified, the Special Rapporteur feels encouraged by the many interlocutors, within and outside the Government, in the north as well as in the south, who are seriously interested in the process of democratization and in ending the war.

123. The Sudan has a huge potential for development. The key for its future prosperity is, however, an end to the war and a lasting peace.

Notes

[1] No figures are available as for SPLM/A troops.

Annex

A. Principal international and regional human rights instruments ratified by the Government of the Sudan

- International Covenant on Economic, Social and Cultural Rights (18 March 1986)[a]
- International Covenant on Civil and Political Rights (18 March 1976)[a]
- International Convention on the Elimination of All Forms of Racial Discrimination (21 March 1977)[a]
- Convention on the Rights of the Child (3 August 1990)
- Convention relating to the Status of Refugees (ratified by the Sudan on 22 February 1974)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (ratified by the Sudan on 21 March 1977)
- International Convention against Apartheid in Sports (ratified by the Sudan on 23 February 1990)
- Slavery Convention
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (ratified by the Sudan on 9 September 1957)
- African Charter on Human and Peoples' Rights (adopted by the Organization of African Unity on 27 June 1981; entry into force on 21 October 1986)

B. Relevant international human rights instruments signed, but not yet ratified, by the Government of the Sudan

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signed by the Sudan on 4 June 1986)
- United Nations Convention against Transnational Organized Crime (signed by the Sudan on 15 December 2000)
- Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (signed by the Sudan on 4 December 1997)

Notes

[a] Accession.

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The situation in East Timor during its transition to independence

Human rights questions: report of the United Nations High Commissioner for Human Rights

Situation of human rights in East Timor

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the United Nations High Commissioner for Human Rights on the situation of human rights in East Timor.

* A/56/150.

** In accordance with General Assembly resolution 55/222, part III, para. 10, this report is being submitted on 6 September 2001 so as to include as much updated information as possible.

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Interim report of the United Nations High Commissioner for Human Rights on the situation of human rights in East Timor

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I. Introduction

1. At the fifty-seventh session of the Commission on Human Rights, the Chairperson of the Commission issued a statement on the situation of human rights in East Timor, in which the United Nations High Commissioner for Human Rights was requested to submit an interim report to the General Assembly at its fifty-sixth session and to report to the Commission at its fifty-eighth session. The statement of the Chairperson was endorsed by the Economic and Social Council at its substantive session of 2001.

2. The High Commissioner submitted a report to the Commission at its fifty-seventh session (E/CN.4/2001/37), in which she noted, inter alia, that a project of technical cooperation between the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Human Rights Unit of the United Nations Transitional Administration in East Timor (UNTAET)[1] was to be implemented during 2001.

3. The present report is submitted pursuant to the request contained in the Chairperson's statement and provides information on developments since the issuance of the statement.

II. Activities of the Office of the United Nations High Commissioner for Human Rights

A. Follow-up to the visit of the High Commissioner to East Timor

4. The High Commissioner visited East Timor in August 2000. In order to follow up on a number of concerns that arose during her visit, the High Commissioner appointed a personal consultant for East Timor, Shanthi Dairiam, Director of the Malaysia-based International Women's Rights Action Watch (Asia Pacific). The personal consultant visited East Timor from 29 October to 15 November 2000 and reported to the High Commissioner on, inter alia, appropriate action to be taken to encourage the voluntary return of refugees from West Timor to East Timor and modalities to assist in tracing persons missing since the violence of 1999. The High Commissioner has provided the present report to UNTAET and relevant United Nations agencies, funds and programmes with a view to assisting their work in East Timor. The High Commissioner has also provided the Government of Indonesia with the report. She has received positive feedback on the report from a number of United Nations agencies, funds and programmes.

B. Follow-up to the visit of the High Commissioner to Indonesia regarding matters pertaining to East Timor

5. During the High Commissioner's visit to Indonesia on 22 and 23 November 2000, the then Attorney-General, Marzuki Darusman, informed the High Commissioner that the Indonesian House of Representatives (DPR) had adopted the Law on Human Rights Tribunals on 6 November 2000. Pursuant to that legislation, an ad hoc tribunal was to be set up to hear cases of East Timor-related violations of human rights in 1999. The Attorney-General also informed the High Commissioner that dossiers had been prepared on 14 persons suspected of committing serious crimes in the 1999 violence and requested the High Commissioner to provide technical assistance to support the investigation and prosecution of the human rights violations that had taken place at that time. It was intended that OHCHR would commence its provision of technical assistance in mid-2001 which would include training for judges, prosecutors and defence counsellors and ad hoc judges and ad hoc prosecutors of the ad hoc human rights court. The purpose of that cooperation was to train a cadre of judicial and legal professionals who would be able to act as a catalyst of change within the administration of justice system. At the time of writing, however, OHCHR had yet to commence implementation of the proposed cooperation activities pending revision of Presidential Decree Number 53 of 23 April 2001, which had established an ad hoc court to try the East Timorese cases, so as to incorporate a reference to cases that had taken place prior to the popular consultation held in East Timor on 30 August 1999. As currently drafted, the Presidential Decree provides only for prosecution of alleged violations that took place after the popular consultation.

C. Technical cooperation between the Office of the United Nations High Commissioner for Human Rights and the United Nations Transitional Administration in East Timor

6. In April 2001, an agreement concerning a technical cooperation project to strengthen national infrastructure for the promotion and protection of human rights in East Timor was signed by the High Commissioner and the Special Representative of the Secretary-General for East Timor. That project, funded by the Government of Ireland, includes the following activities:

(a) Human rights training for East Timorese and international Professional staff of the Human Rights Unit of UNTAET and East Timorese non-governmental organizations;

(b) Human rights training for the East Timorese Police Service and the United Nations Civilian Police component;

(c) Human rights training for East Timorese judges, prosecutors and public defenders;

(d) Promotion of human rights activities, to include funding for the purchase, translation and dissemination of international human rights educational and training materials;

(e) Legal advice and assistance on particular issues, cases and draft legislation to ensure conformity with international human rights standards;

(f) Assistance with the establishment of a commission on reception, truth and reconciliation; and

(g) Assistance with promoting ratification of and compliance with the principal international human rights instruments.

7. In late May 2001, an OHCHR expert travelled to East Timor to provide human rights training on the methodology of monitoring, investigation and protection to East Timorese district human rights officer interns recruited by the Human Rights Unit. Topics included international human rights norms, identification of human rights violations, monitoring principles, methodological aspects of information-gathering and verification, interviewing, reporting and witness protection. The topics were illustrated through practical exercises and case studies and involved two days' fieldwork followed by a systematic review. The East Timorese district human rights officer interns participated actively in the training, showing a very keen interest in learning new skills or improving existing ones. The possibility of subsequent training once the participants had had sufficient opportunity to apply their skills and identify areas that required further improvement or development was considered desirable. OHCHR provided the Human Rights Unit with a set of training materials covering a wide range of subjects for further reference, training or follow-up use and these are to be translated into the Tetun language.

8. In early June 2001, OHCHR, the Human Rights Unit, the East Timorese Police Service and the Civilian Police organized two training courses on human rights in law enforcement, one for the East Timorese Police Service and the other for the Civilian Police. Three police training experts from India, the United Kingdom of Great Britain and Northern Ireland and OHCHR assisted at both workshops. Topics included non-discrimination, women and the administration of justice, civil policing in the democratic order, human rights and police investigations, human rights during arrest and detention, use of force and firearms and how to incorporate human rights into a police training curriculum. Thirty-two officers from the East Timorese Police Service participated in the first training course, which lasted five days. Though this was their first exposure to human rights training, there was a very positive response to the training. Forty-four Civilian Police officers from more than a dozen countries participated in a four-day training course that followed the course for the East Timorese Police Service. For many of the international participants, this was also their first exposure to comprehensive human rights training for police and the international standards adopted by the United Nations concerning criminal justice. The response to the course was extremely positive and discussions were held with the United Nations Police Commissioner and the Human Rights Unit regarding concrete follow-up action. The Human Rights Unit has undertaken to produce pocket-sized cards for all police in East Timor, outlining arrest rights, which will be printed in four languages.

9. Ongoing activities connected with the project include the purchase, translation into Tetun and Bahasa Indonesia and dissemination of international educational and training materials on human rights,

legal advice and assistance to ensure that draft legislation is in accordance with international human rights standards and technical assistance to the reception, truth and reconciliation process.

10. The two remaining activities, human rights training for East Timorese judges, prosecutors and public defenders and assistance in promoting ratification of and compliance with the principal international human rights instruments, are still to be scheduled for implementation during the course of 2001.

11. OHCHR continues to seek methods to improve its support to the Human Rights Unit, in luding dissemination of information on United Nations human rights machinery, comparative information on implementation of international human rights standards and the selection of candidates for posts within the Unit. On 3 July 2001, the Director of the Unit travelled to Geneva to discuss with OHCHR the ongoing and future key areas of work for a United Nations human rights presence in East Timor (see paras. 62-75).

III. The human rights situation in East Timor and related activities

12. The information upon which this section is based has been provided by UNTAET.

A. Status of investigations and prosecution of serious crimes committed in East Timor in 1999

13. It is estimated that the crimes arising from the 1999 violence in East Timor number in the thousands, with many alleged perpetrators remaining in refugee camps in West Timor. Some 400-500 files in connection with the 1999 violence currently remain open with the Serious Crimes Unit of the East Timorese Transitional Administration (ETTA).[2] Many of those files concern several alleged offences. UNTAET considers that countless serious crimes remain unreported or need to be evaluated to determine if a file should be opened.

14. A lack of resources, both human and material, in the Serious Crimes Unit has continued to prevent investigations from being undertaken in connection with the overwhelming majority of crimes against humanity committed in 1999. At the time of writing, 26 indictments had been issued against 46 accused persons, with 20 being charged with crimes against humanity (including murder, deportation and rape). Eight trials for murder, attempted murder or manslaughter had been concluded, with seven convictions and one acquittal. Sentences have ranged from 7 to 13 years' imprisonment.

15. The first trial for crimes against humanity, the Los Palos case, began on 3 July 2001. The indictment includes the forced deportation of the residents of the village of Leuro to West Timor on 8 September 1999, the murders of a group of clergy who had been distributing food and medicine on 25 September 1999 and a number of other individual murders.

16. The Human Rights Unit provides information on specific cases to both the Serious Crimes Unit and the Civilian Police to assist them in pursuing cases. However, that information concerns only individual cases and no record yet exists that can provide a general description of the events that took place in 1999, from the political climate before the popular consultation to an estimate of the number and types of crime that were committed. UNTAET and district human rights officers of the Human Rights Unit are therefore currently engaged in gathering such information, which the Unit will compile into a comprehensive record of events. It is intended that that record would be available for use by, inter alia, the Reception, Truth and Reconciliation Commission, the Serious Crimes Unit, the Civilian Police, the East Timorese Police Service and other researchers.

17. In Indonesia, on 23 April 2001, the President of the Republic of Indonesia signed a decree establishing an ad hoc tribunal to hear cases of human rights violations committed in East Timor. As noted in paragraph 5, however, the Decree establishing the court limited its temporal jurisdiction to those cases which occurred after the popular consultation on 30 August 1999. As a result, the court cannot hear cases of human rights violations that occurred prior to the vote. Those cases include the Liquisa Church killings of 6 April 1999, during which non-governmental organizations estimate that at least 57 people were killed, and the attack on the house of Manuel Carrascalao of 17 April 1999, in which at least 12 people are believed to have been killed. The Government of Indonesia has agreed to review the court's jurisdiction, but as yet this has not been done and the ad hoc tribunal has not been

established. Accordingly, this means that not one case that occurred during the 1999 violence, either before or after the vote, has been prosecuted. UNTAET has expressed its serious concern and disappointment at the restriction on jurisdiction.

18. UNTAET further reports that, in addition to failing to pursue vigorously its own prosecutions, the Government of Indonesia has not cooperated adequately with the prosecutions of the ETTA Serious Crimes Unit. On 9 April 2001, the Chief Prosecutor of the Unit forwarded four arrest warrants to the Attorney-General of Indonesia but as yet no response has been received.

B. Capacity-building

1. Access to justice

19. Prior to the popular consultation, the judiciary was staffed almost exclusively by Indonesian civil servants. Only one East Timorese had ever served as a judge, and that only since 1998; one East Timorese had worked as a prosecutor and only a few of the East Timorese who had obtained law degrees had been permitted to practise law. Those professionals, together with a small number of international staff, now serve as judges, prosecutors and public defenders within the East Timorese judicial system.

20. Four district courts (Dili, Baucau, Oecussi and Suai) and two serious crimes panels have been established to try the serious crimes[3] of 1999. However, only one serious crimes panel is actually functioning. This is due to the requirement that an East Timorese judge sit on each panel and as yet only one East Timorese judge has been assigned to do so. The lack of East Timorese judicial and legal officials[4] has produced a situation where the Dili District Court is the only fully functioning court.[5] This dire shortage of qualified judicial and legal personnel has extremely serious consequences. For example, UNTAET reports that at the end of January 2001 approximately 103 serious crime detainees were being held unlawfully because their detention orders had expired owing, inter alia, to lack of access to legal counsel. The Serious Crimes Unit has made significant efforts to address the issue, however, and at present, there are no serious crime detainees being held on expired detention orders. Concerns remain, however, over the functioning of the ordinary courts. In that respect, UNTAET has also reported that access to legal counsel is limited and suspects are often held for weeks or months before seeing a public defender. In fact, 74 detainees charged with "ordinary" crimes are currently being held on expired detention orders. Since 12 public defenders cannot service four courts in East Timor,[6] there are instances where, owing to sudden increased demands on the judicial system, persons taken into custody may be held for short periods of time after their detention warrants have expired before they are brought before the courts.

21. Concerns also remain as to the actual competence of those few personnel who are in service. Though the Department of Justice has put in place a framework for ongoing training for judges, prosecutors, public defenders and court registry staff and the International Development Institute is offering a week of training for every month of service in criminal, civil and procedural matters, some judges have complained that appropriate training has not always been provided. The international judicial mentoring system has also not been as effective as hoped. The situation is compounded by the difficulty for members of the judiciary to devote time to training, given their demanding professional schedules.

22. In other cases, and because, for instance, of the pressure to release detainees whose warrants have expired, judges have released suspects charged pursuant to allegations of serious crimes, sometimes unconditionally or on inappropriate conditions. In two instances, the releases came unexpectedly and the decision to release the suspect seemed, on the face of the evidence available, questionable. UNTAET had to act quickly and gathered the receiving community together to try and contain any possible violent reaction to the release of the alleged murderers.

23. While it is clear that the primary issue with respect to providing access to justice in East Timor is the lack of trained personnel and resources, there are other concerns, the origins of which stem from 25 years of Indonesian occupation and a discredited judiciary that did little to protect the rights of East Timorese. The population is understandably suspicious of both the police and the judiciary. As a result, East Timorese continue to resort to traditional dispute resolution mechanisms involving different approaches depending on the community and its leaders. In some cases, serious crimes are dealt with through that mechanism, often leaving the victim without either any

real access to justice or appropriate remedy or, worse still, resulting in other human rights abuses. The burden resulting from such practices falls disproportionately on the shoulders of the weakest members of society, in particular women (see para. 46).

24. In addition, it is reported that East Timorese judges and prosecutors are coming under increasing political pressure and that there have been cases of judges and prosecutors being subjected to threats and intimidation both in the courts and in their homes. For instance, the arrests that followed the violence between rival groups and opposing villages in the districts of Viqueque and Baucau in April 2001 resulted in serious intimidation and threats from villagers to the judges who heard the subsequent trials. In an attempt to assist in resolving the problem, therefore, an experienced international judge was recently deployed to Baucau on a permanent basis to help the less experienced East Timorese judges to deal with such threats and intimidation. UNTAET is working to ensure that security is provided to judges and prosecutors and that arrests are made in such cases, and the Civilian Police now maintain a permanent presence in the court during working hours

25. Some of the pressures on judges are not so blatant. UNTAET reports that members of the community who enjoy a certain standing, such as priests, teachers, former members of the Armed Forces for National Liberation of East Timor (FALINTIL) or of the National Council of East Timorese Resistance (CNRT) are, in some cases, not vigorously prosecuted for criminal acts and it is thought that this may be due to a fear of repercussions on the part of the judges. To add to the pressure, a district court judge earns the equivalent of $361 per month compared with a salary of $2,000 per month authorized for Cabinet members in June 2000 when ETTA was formed. The low salaries of East Timorese judges may leave them vulnerable to external pressure and work against security of tenure.

26. The Human Rights Unit works with the ETTA Department of Justice to meet the enormous challenges of creating and developing an independent functioning judiciary from the ground up. As a result of its role in monitoring the progress of the courts, the Human Rights Unit provides information on crucial issues that need to be addressed. In addition, the Unit has provided advice on the recruitment of public defenders and highlighted the need for a secure and safe environment in court. Over the coming months, the Unit will also be working to enhance East Timorese confidence in the judiciary, first, by providing information to communities on the functioning of the judiciary and their rights on arrest. It will then, in cooperation with OHCHR, provide human rights training to the judiciary, prosecutors and public defenders on issues shown to be relevant by the Unit's monitoring process.

2. The legislative framework

27. The Human Rights Unit is a member of the Legislation Committee of the East Timorese Cabinet (composed of East Timorese and international representatives), which advises the Cabinet on the drafting of legislation. The Human Rights Unit reviews proposed legislation to try and ensure that legislation adopted is in accordance with international human rights standards. In recent months, the Unit has made major contributions to a wide variety of proposed legislation, including regulations on the reception, truth and reconciliation commission, the constitutional commission, prison and police services, the defence force, legal aid, political party registration, firearms and weapons, traffic regulations, travel documents, four labour regulations, the ombudsman office, administrative evictions, public demonstrations and the judicial and prosecutorial codes of conduct.

3. Elections and the constitutional process

28. Elections for the Constituent Assembly have been scheduled for 30 August 2001. The Assembly has a recommended mandate of 90 days after the swearing in of its members to draft and adopt a constitution. The mandate of 90 days is not an absolute requirement, however, as the Assembly could decide to extend it.

29. A short-term consultation process has been established to ascertain the wishes of the East Timorese in relation to the constitution.[7] In each district, five to seven constitutional commissioners have been appointed to conduct the consultations. Each district panel of commissioners is to conduct at least one public hearing in each sub-district between mid-June and mid-July. A rapporteur and a constitutional adviser have been appointed to assist each district panel. All commissioners, rapporteurs and advisers are East Timorese. The commissioners are to prepare a report on the consultations to be given to the Transitional Administrator. Once the Constituent Assembly is established, the report of the consultations is to be

submitted to it for consideration. A number of UNTAET components are working to support the process.

30. Given the short period in which consultations are to take place and the limited information available to the community concerning both the subject matter of the consultation process and the process itself, the Human Rights Unit has been working with a coalition of non-governmental organizations to mount an information campaign concerning the nature of a constitution, relevant human rights issues and the rights of the East Timorese in the process. In June 2001, the Human Rights Unit assisted a coalition of non-governmental organizations, the NGO Working Group, to convene a one-day conference on the constitutional process, "Together Building a Constitution for East Timor". Experts from Fiji, South Africa and Thailand spoke of their experiences in seeking to ensure popular involvement in all aspects of constitution-making. East Timorese speakers from political parties, the church and the university were also invited to debate the current process in East Timor. Approximately 180 persons attended the conference. Also organized with the NGO Working Group was a one-day workshop on women and the constitution to discuss means of maximizing women's involvement in the constitution-making process and of ensuring that women's rights and interests are reflected in the Constitution itself.

31. The Human Rights Unit also supports the NGO Working Group more generally in its work of ensuring that education on the constitution is a long-term process, rather than something that will end with the election of the Constituent Assembly. Activities after the election will include discussions and advocacy with political parties and members of the Constituent Assembly on a number of issues, including the possibility of an interim constitution as a means to achieve a more comprehensive consultation process. Community education on constitutional issues will also continue. In that connection, the NGO Working Group is producing, with the help of the Human Rights Unit, a series of basic and accessible pamphlets in Tetun and Bahasa Indonesia on issues relating to constitutions, including the nature of a constitution and the human rights issues to be safeguarded in a constitution. The first pamphlet, which discusses the nature of a constitution, has already been completed in Tetun and Bahasa Indonesia and has been distributed widely throughout East Timor. The second pamphlet, on human rights and the constitution, is currently being finalized.

32. The Human Rights Unit has also been actively involved in the training of those conducting the consultations, including the training of the eight trainers who in turn will train the constitutional commissioners. The training not only covered the human rights aspects of the consultation process itself (emphasizing, inter alia, rights of participation, freedom of speech, equality rights and minority rights), but also provided an overview of the ways in which human rights issues might arise during the consultation process itself. More intensive input was provided for the training of the 13 constitutional advisers. Topics covered included identifying human rights concerns and dealing with human rights issues to be included in the constitution. The Human Rights Unit will be monitoring the operation of the constitutional commissions and liaising with them to provide further assistance throughout the whole consultative process.

33. The Human Rights Unit is also considering the situation of human rights in the context of the upcoming elections. In view of the short timescale and the concerns regarding potential political violence, the Unit has produced a leaflet on human rights and democracy to increase awareness about fundamental human rights, such as freedom of speech and assembly, the right to participate in public life and to hold elected office, and non-discrimination principles. The leaflet will be distributed by the district human rights officers and the non-governmental organizations in all districts and will be used in continuing human rights training organized by the Human Rights Unit. The Unit is also working on ensuring that human rights violations committed in the context of the elections are monitored and reported. Furthermore, the Unit is working with the Civilian Police and the Independent Electoral Commission to establish a system for effective and coordinated reporting during the run up to and on election day itself.

4. Civil society and non-governmental organizations

34. In addition to the specific issue-based activities noted above (see paras. 30-33), the Human Rights Unit continues to conduct a number of activities to support the strengthening of civil society, in particular human rights organizations. Following the holding in 2000 of

general human rights training in the districts with a wide range of participants, the Unit in 2001 developed a series of training courses for specific groups. In April 2001, the Unit focused on a national training of trainers course, to which the district human rights officers nominated candidates from their districts whom they believed would be able to use their skills to train others. The district human rights officers continue to follow up on the training by providing support to the "trained trainers" to conduct smaller training courses in their own districts.

35. As an integral part of its training programme, the Human Rights Unit has hired East Timorese district human rights officer interns for each of the districts (see para. 7). The interns work side by side with the international district human rights officers to build the capacity of East Timorese to become human rights advocates.

36. One major goal of UNTAET is to ensure that a human rights presence remains in each of the districts after the departure of UNTAET. Therefore, either a non-governmental organization or a loosely formed human rights organization has been established with the support of the district human rights officers in each of the Aileu, Ainaro, Bobonaro and Covalima districts. Support has included the allocation of funds, participation in informal training on human rights by district human rights officers and by the organization itself in the villages and subdistricts, the dissemination of human rights materials, the training of police and the development of an East Timorese human rights manual. UNTAET is working to ensure that those it trains and works with over the coming months will take the lead in protecting and promoting human rights in East Timor in the future.

37. With financial assistance provided by OHCHR, UNTAET is disseminating international human rights promotional and training materials in Tetun and Bahasa Indonesia throughout East Timor. The training team is finalizing negotiations with human rights non-governmental organizations in Indonesia to translate and publish a number of human rights materials, to include booklets containing various international instruments on, for example, the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (see resolution 2200 A (XXI), annex), the Convention on the Elimination of Discrimination against Women (resolution 34/180 (annex)) and the Declaration on the Elimination of Violence against Women (see resolution 48/104), the Convention on the Rights of the Child (resolution 44/25, annex), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 39/46, annex) and the International Convention on the Elimination of All Forms of Racial Discrimination (resolution 2106 A (XX), annex).

38. In addition to training East Timorese counterparts and disseminating promotional material, the Human Rights Unit is developing a means by which the information collated and analysed by it and that of East Timorese non-governmental organizations will be preserved in an accessible format for future use. In that regard, the Unit is in the process of determining the needs of East Timorese human rights non-governmental organizations, whether for training, hardware or databases, and is working with the non-governmental organization Fokupers on a database to track cases of violence against women. It is also anticipated that the Unit will play a significant role in the establishment of a database for the Reception, Truth and Reconciliation Commission.

C. The reception, truth and reconciliation process

39. On 20 June 2001, the East Timorese National Council unanimously adopted a regulation establishing the Reception, Truth and Reconciliation Commission in East Timor. Subject to funding, it is currently envisaged that the Commission will be operational by the end of 2001.

40. The Commission was first proposed by CNRT in June 2000 and was endorsed by the CNRT Congress. The Human Rights Unit assisted in the further development of the proposal by supporting a steering committee, which undertook the preparatory work leading up to the adoption of the regulation. The committee consisted of representatives of CNRT and key East Timorese human rights non-governmental organizations, namely, Fokupers, Yayasan HAK, ETWAVE, the Justice and Peace Commission of Dili Diocese and the Association of Ex-Political Prisoners. The Committee benefited from the assistance of UNHCR, the Political and Legal Units of UNTAET and the input of two international experts on truth and reconciliation commissions. It undertook a national

consultation, visiting all 13 districts, and consulted East Timorese judges, the Office of the General Prosecutor, public defenders, political parties and other stakeholders.

41. The Commission will have two broad functions. The first will be a truth-telling mechanism in which witnesses and victims of human rights abuses will give testimony, promoting healing, and contribute to the compilation of a national history and recommendations on legal and institutional reforms that will safeguard human rights in the future. There will be no provision for amnesty.

42. The second major function will be to promote community reconciliation by dealing with the many thousands of East Timorese who were involved in low-level crimes in 1999 and periods before by means of a community-based mechanism rather than the courts. Under those procedures perpetrators will approach the Commission which will form a panel to include local leaders from the community concerned. Victims, witnesses and the community will participate in a hearing and the panel will decide on an appropriate act of reconciliation, which may take the form of community service, repayment, public apology or other act, but must comply with international human rights norms and be proportional to the offence. The decision of the panel will be registered as a court order and once satisfactorily discharged will exempt the perpetrator from further civil or criminal liability. The courts will deal with serious crimes such as murder, rape or organizing large-scale violence.

43. The community mechanisms are intended to be cheaper and faster than the already overburdened fledgling justice system, will involve the community in the process and will assist reconciliation in a practical way. As the majority of the ex-militia in West Timor are low-level perpetrators, it is hoped that the Commission process will be an incentive for them to return to their communities safely.

D. The protection of ethnic and religious minorities and other vulnerable groups

44. The Human Rights Unit, through its office in Dili and its district human rights officers, continues to address the need for protection of particular vulnerable groups, the security of East Timorese refugees returning from West Timor and violence against women.

1. The protection of ethnic and religious minorities

45. The future of minorities in East Timor is uncertain. Currently, there are no regulations governing their status. The border regulation stipulates that a renewable three-month visa is required for persons who wish to reside in East Timor unless such individuals were born in East Timor before December 1975, were born outside East Timor but with one parent or grandparent born in East Timor before 1975 or are the spouse or the dependent child under 18 of a person who falls under the other two categories. This includes persons who resided in East Timor on a permanent basis before the popular consultation and includes, for example, the case of an ethnic Chinese businessman who moved to East Timor with his Chinese wife in 1982, bore and raised three children, purchased two properties and developed a private business in East Timor. A second matter of concern relates to the fate of Muslims, approximately 240 of whom remain in the Dili Mosque. The Muslims fled to West Timor with other refugees following the violence surrounding the popular consultation, but returned to the Dili Mosque soon after the violence. As there are no protection mechanisms for minorities, they fear for their safety if they try to return to their homes.

2. Human rights violations against women; women's rights as human rights

46. Though the legal position is that violence against women is a crime, non-governmental organizations have reported that the judicial system (including the Civilian Police and the Timorese Police) have not, in some cases, pursued matters involving violence against women vigorously. Furthermore, there is a perception that some elements of Timorese society wish to deal with such crimes more leniently by using traditional dispute resolution mechanisms. This contributes to a culture in which such offences are not considered as serious as they are treated in the applicable criminal law and fall short of international standards. The Civilian Police has, however, taken a number of initiatives to address the issue, including the setting up of the Vulnerable Persons Unit to deal with cases of violence against women and other vulnerable groups. To date, only the Dili District Vulnerable Persons Unit has adequate resources to deal with such cases. There are continuing problems, however, with non-governmental organizations' reports of gender bias in

court proceedings, which result in the unfair administration of justice for victims of violence against women.

47. Traditionally, women have not been encouraged to participate in public life in East Timor. "Public life" ranges from simply working outside the home to participating in government or political structures. The ETTA Gender Affairs Unit takes the lead on this issue, providing training to women entering public service and ensuring that women are represented in the newly created structures of East Timorese civil society and government. The Human Rights Unit works to support their initiatives, in particular, by mainstreaming women's and gender issues in its training on human rights and assisting non-governmental organizations in its strategic plans to address women's issues. For example, the Human Rights Unit has included non-discrimination and women's rights in its training and has also invited women's organizations to make presentations on their work. Nearly 50 per cent of the participants in the training have been women and the Human Rights Unit welcomed their active participation. The Unit also ensured that the steering committee that drafted the regulation for the establishment of a Reception, Truth and Reconciliation Commission included female members from leading women's non-governmental organizations and the Commission itself has been formed in such a way as to ensure that women survivors will testify. For instance, gender guidelines will be distributed for the commissioners to follow, some cases will be held in camera (cases involving women are particularly envisaged), 30 per cent of the national and regional commissioners will be women and ETWAVE is represented on the panel selecting the commissioners.

48. The Human Rights Unit has assisted Fokupers, a non-governmental organization focusing specifically on women's issues, to create a database to track violence against women and also the cases of women whose partners were killed, detained or tortured in 1999. The Unit is able to pass that information to the Serious Crimes Unit and facilitates the relationship between non-governmental organizations and that Unit. There are currently at least 114 known cases of rape that occurred during the violence surrounding the popular consultation in 1999, attributable mostly to militia groups. The Serious Crimes Unit estimates that, as investigations continue, that figure will increase significantly. At the beginning of February 2001, five suspects were indicted on charges of crimes against humanity, including rape. This was the first indictment for crimes against humanity in East Timor where rape was included as one of the crimes.

49. In order to ensure a continuum of support for women who suffered as a result of the violence in 1999, the Human Rights Unit also links survivors to non-governmental organizations for, among other things, trauma counselling, planning and finding resources for future support. The Unit has facilitated the establishment of or provided support to women survivors' self-help groups in Covalima, Maliana, Bobonaro and Liquisa districts. It also liaises with Indonesian non-governmental organizations, including organizations in West Timor, and with the Indonesian National Human Rights Commission, the Indonesian Commission on the Elimination of Violence against Women and the Indonesian Commission on Child Rights in connection with ongoing cases of violence against women in West Timor.

50. Further progress has been made with Ratelaek, a women survivors' group in Liquisa, which has completed a project supported by the Office for Transition Initiatives of the United States Agency for International Development and planned with the Human Rights Unit. The project includes the establishment of a cooperative, which runs a restaurant and a shop, an exchange visit to other survivors' groups in Maliana and Suai, financial management training and an exhibition on the contribution of East Timorese women to the independence struggle.

3. East Timorese refugees

51. According to UNHCR figures, as at 15 June 2001, 180,662 refugees had returned from West Timor to East Timor. Estimates of the number of refugees remaining in West Timor range from 90,000 to 130,000. Many refugees remain fearful to return because of misinformation in the refugee camps that leads them to believe that fighting is continuing in East Timor and it is not safe for them to return.

52. On 6 and 7 June 2001, the Government of Indonesia conducted registration of refugees in West Timor. Refugees were required to register and to indicate whether or not they wanted to stay in Indonesia or be repatriated to East Timor. Information about the process was conveyed by camp leaders and members of the Union of East Timorese Heroes

(UNITAS) (a political grouping composed of East Timorese parties in favour of the integration of East Timor with West Timor). Only heads of family were entitled to vote.

53. Preliminary results announced by the Government of Indonesia confirmed the registration of 113,794 refugees, with 111,540, or 98.02 per cent, electing to stay in Indonesia and only 1,250, or 1.1 per cent seeking to return. Many commentators have surmised that it is likely that a large number of refugees voted to stay in Indonesia due to fear of reprisal by militia and/or because they were not yet ready to return to East Timor, wanting instead to wait for the outcome of the 30 August elections, which would allow them to make an assessment of the chances of intimidation against returnees. This was confirmed by the 12 international observers of the process who concluded in their report that, although the procedures respected confidentiality and integrity:[8]

> "The overwhelming majority of refugees interviewed held high expectations of the assistance that was to be provided to those opting to stay in Indonesia. Opting for return was widely understood as meaning that they would have to do so almost immediately, thereby, as explained by the refugees, forfeiting the right to any severance package for government employees or preventing children in school from taking exams."

54. The Indonesian task force responsible for the repatriation of refugees who chose to return is reported to have told the United Nations military observers that the returns were to begin on 15 June 2001 and would continue until 15 August 2001. West Timor's provincial governor has reportedly stated that, of those who chose to remain in Indonesia, only 6,000 would be able to resettle permanently in West Timor. The remainder of the population would be required to resettle in other parts of Indonesia. The Government of Indonesia has not yet released official results of registration and therefore official repatriation has yet to start. The International Organization for Migration (IOM) is reportedly drawing up plans to repatriate refugees pursuant to the registration.

55. While UNTAET is working in coordination with UNHCR to determine how best to expedite and ensure the returnees' safe return, the Human Rights Unit specifically focuses on what happens to them after return. In some cases, returnees will not be welcomed back, in particular those who participated in serious crimes, while others may be seen as traitors or common criminals since they participated in low-level violence in the aftermath of the popular consultation. It is the return of the latter that requires preparation to ensure that they are not targeted but instead taken back into the community.

56. The district human rights officers prepare the communities for the returns, where they are able and usually in coordination with the other actors of the international community within the framework of a district returns committee. Often, the Human Rights Unit receives information at the last minute that a number of refugees are returning to a certain area and then works to determine who the returnees are and if there will be any concern surrounding their return. In cases where allegations already exist or surface regarding some of the returnees, the district human rights officer, together with other members of the international community, will call together community leaders to ensure that the returnees are not met with any hostility or harassment. Of course, if the returnee has been indicted or if there are allegations that he or she has committed serious crimes, then that returnee must be brought to justice. In other cases, however, and where allegations are unsubstantiated, the international community needs to ensure that allegations do not translate into violence. In situations where community leaders are unable to reach an agreement on a certain return, safe houses of varying capacity and quality are available in eight and are under construction in four of the districts. Under no circumstances, however, will the Human Rights Unit accommodate a request to reject the return of anyone wishing to return.

E. Political issues affecting human rights

1. Law and order

57. Before the popular consultation, CNRT played a central role in East Timorese life, coordinating the clandestine resistance movement and distributing information outside East Timor to support the independence movement. The Council provided support to victims of Indonesian violations and took significant risks in doing so. Immediately after the popular consultation, the CNRT stepped in to fill the vacuum in many essential services, including some law and order functions, often with the knowledge and cooperation of the Civilian Police, who were at that

time still building up full capacity. Since 1999, CNRT has assisted UNTAET in resolving many of the issues inherent in a post-conflict society and has been active in preparing East Timor for the transition to an independent State.

58. However, despite the mandate and increased capacity of the Civilian Police and the newly established East Timorese Police Service, members of various parallel structures — some part of the CNRT village, district and national structures, including the Seguranza Civil and persons claiming to be ex-members of the former military wing of CNRT, FALINTIL — continue to fulfil what they perceive to be a security role, which often extends to the enforcement of law and order. The justification claimed for this is often that the official structures are unable to maintain security effectively. The situation is, of course, extremely problematic, as none of those quasi-security groups are accountable for their actions and therefore act with impunity. UNTAET has received reports of human rights abuses by members of such groups, in particular in relation to returnees. Included in those reports are instances of unlawful arrests, "summonsing" returnees to appear before the security structures in order to question them about their activities in West Timor, assaults and, in at least one case, the murder of a returnee while in the custody of one of the groups. In other cases, individuals have used the guise of a security group to cover illegal activities, including extortion, threats and intimidation for political purposes.

59. With the dissolution of CNRT on 9 June 2001, the security groups linked to the organization were formally disbanded. There has already been a suggestion that the security groups should now report directly to the village chief. UNTAET is concerned that this may lead to potential abuses of power, in particular in the run-up to the election.

2. Human rights and political activity

60. Several political parties have adopted platforms advocating political tolerance and the protection of human rights. However, concerns linger that the 1975 political climate may be reintroduced and violence may occur during the election campaign. That concern has been supported in part by a series of skirmishes that have taken place during 2001 between followers of East Timorese political groups, which led to the detention of 13 people on 8 March 2001 in Baucau. Their detention subsequently resulted in an eruption of violence, including the burning of the Baucau Mosque.

61. Sporadic outbreaks of violence have not been the only concern regarding the conduct of political parties. At the end of 2000 and the beginning of 2001, party workers of the Frente Revolucionária do Timor Leste Independente (Revolutionary Front for an Independent East Timor, FRETILIN) "registered" all "supporters". UNTAET has received reports that some villagers felt obliged to register themselves and their families as sympathizers if not militants. FRETILIN have also been accused of warning individuals to vote for them or suffer the consequences, while both Democratic Republic of East Timor (RDTL) supporters and the Timorese Democratic Association have been accused of trying to prevent individuals from participating in the civil registration process, which is required in order to vote in the August elections. For its part, the Human Rights Unit seeks to address those issues mainly via its civic education programme, through which the Unit promotes the idea of breaking with the past and the need for political parties to be tolerant of each other.

IV. Ongoing and future key areas of work to promote and protect human rights in East Timor

62. The mandate of UNTAET as transitional government expires on 31 January 2002. The United Nations is therefore currently engaged in a process of assessing the extent to which the new independent East Timorese Government will require ongoing technical assistance. Experience reveals that a post-conflict situation is often accompanied by the creation of a fertile environment for future institutionalized violations of human rights. Signs of the potential problem are already apparent in East Timor and it is imperative that a strong human rights presence remain there to ensure that that fertile environment is not exploited. OHCHR and the Human Rights Unit have identified a number of areas as requiring immediate and medium-term United Nations technical assistance to support the new East Timorese Government's efforts to promote and protect human rights.

63. Progress in East Timor in investigating and prosecuting suspects for the serious crimes committed in East Timor in 1999 has been slower than hoped for. Further attention and resources must be devoted to

ensuring that the process of investigation and prosecution is speeded up, taking account, for instance, of the risk of deterioration of evidence.

64. The nascent East Timorese judicial system is only functioning in part. In order to build a judiciary from the ground up with only very limited human resources available and a largely destroyed infrastructure requires long-term commitment and considerable resources. Assistance will be required to support the training, continuing professional development and adherence to ethical standards by the judiciary, prosecutors, public defenders and other legal and judicial officials. Attention will also be required to focus on satisfactorily addressing the inadequate remuneration and other poor conditions of service and risks to personal safety. Independent monitoring mechanisms of the judicial and legal process will be required. Most important for a newly democratic State will be the need to educate the East Timorese public about the new system of justice in order to develop the confidence of the people that it will indeed deliver justice.

65. The new East Timorese Government will need to ensure that all legislation adopted is consistent with international human rights standards. Training will be required to ensure that those who interpret and implement the law do so in accordance with international standards.

66. The recent experience of many newly democratized countries has demonstrated the critical need for a constitution based firmly on democratic principles, containing a strong bill of rights in full conformity with international standards and establishing one or more institutions in support of democracy, such as a national commission on human rights. Experience has also shown that it is important for such a constitution to be adopted as soon as possible and to enter into force, at least provisionally, at the same time as the newly elected democratic Government accedes to power. This is because during the period before the accession to power of a new Government the greatest consensus exists among all political parties and civil society over the need for a strong bill of rights and effective democratic institutions to be enshrined in the new constitution. That period also coincides with the time when the public is generally most interested in national affairs and can be effectively mobilized to participate in the historic constitution-making process. It should be noted that such public consultation and participation is a key element in ensuring the ultimate accountability of a new Government to the people. Most importantly, the Timorese themselves have expressed interest in recent constitutional hearings for the protection of human rights to be enshrined in their first constitution.

67. Non-governmental organizations in East Timor played an active and vital role in the resistance movement and worked towards the common goal of independence. Of real concern to the non-governmental organizations now is the continuing evolution of their role, which in 2001 moved towards the more traditional role for a non-governmental organization of monitoring the human rights situation, providing analysis and advice to the Government and conducting human rights training. It is possible that, following the departure of UNTAET, there may be a tendency by the new East Timorese Government to exclude the participation of non-governmental organizations in its work.

68. Another concern affecting the future viability of non-governmental organizations is the flow of non-governmental organizations staff to ETTA. More may choose to stand for election on 30 August. Others have been given opportunities internationally. Thus, many of the more experienced members of the non-governmental organizations community will no longer be playing a leading role in that arena.

69. The newly established judiciary, the East Timor Police Service, the East Timor Defence Force and staff of the civil service all require ongoing training in human rights. The general public has also had no exposure to a culture of human rights. Without a solid foundation, the promotion and protection of human rights will not become an integral part of the East Timorese State.

70. Upon independence, East Timor will be in a position to ratify the key international human rights instruments. Technical assistance will be required both for the ratification process itself and for compliance with reporting obligations to the relevant treaty bodies.

71. The joint OHCHR/UNTAET training for the East Timorese Police Service was their first exposure to human rights training. Most participants had had less than two years' experience in the police. That overall lack of experience represents a major challenge for the East Timorese to assume, by 2002, full responsibility in the country for maintaining law and order. Among the areas needing attention are human rights and police investigations, arrest procedures, policing public

gatherings and the use of force and firearms. It will also be important to establish effective mechanisms for monitoring, investigating and preventing abuses within the police.

72. The Reception, Truth and Reconciliation Commission will have a mandate to investigate violations of human rights committed in the context of the political conflict from 25 April 1974 to 25 October 1999. The mandate will be for two years, with a possible extension of six months, and the Commission will be led by between five and seven national commissioners who will be appointed by a panel made up of representatives of civil society, the church and political parties who were active in 1974. Funding for the Commission must be raised outside the national budget and the Commission will require ongoing technical assistance.

73. Tolerance, acceptance of minorities and a rejection of a past ridden with violations of human rights are the only way forward to true reconciliation. This must be the basis on which to overcome the lack of protection mechanisms available for minorities. In addition, education regarding gender equality and women's rights will continue to be required in all spheres of life, in particular in the political domain, as will analysis of the use of traditional dispute resolution mechanisms in order to ensure that the state apparatus is complying with its international legal obligations. The challenge of protecting returnees, facilitating their integration and promoting reconciliation will remain vital to the continuing stability of independent East Timor.

74. Since October 1999, human rights monitoring by both UNTAET and non-governmental organizations human rights monitors has assisted in the process of identifying needs in the development of East Timor's new institutions. From its inception, the newly independent East Timor Government will face the huge task of establishing and consolidating the key institutions that will be required for the legislative, judiciary and executive branches of power to assume their respective responsibilities of establishing a functioning system of the rule of law based on principles of human rights. Independent human rights monitoring across the country will continue to be essential for the development of strong institutions that uphold law and order and also in ensuring a stable political environment.

75. Monitoring of the developing institutions in East Timor will provide the future independent Government and civil society with impartial, objective informative feedback on how well the newly created institutions are functioning, highlighting areas needing corrective action, improvement and reform. Such a programme would provide the Government with a solid and reliable factual basis for monitoring the functioning of those institutions, drawing attention to problem areas and designing corrective measures and appropriate responses.

76. The continuing presence of illegitimate security forces and the illegal activities of political parties need to be monitored and addressed. Continued independent monitoring of human rights will also be vital for, in particular, the safe return of those refugees in West Timor who wish to return, many of whom fear reprisal upon return, which has potentially serious consequences for the security and stability of independent East Timor. Independent monitoring across East Timor will go some way to ensuring that those refugees who choose to return will feel more secure in doing so.

V. Recommendations

77. In facing the challenge of strengthening new and vulnerable institutions, it will be essential to develop strong mechanisms for the protection of human rights, including rights based, inter alia, on provisions of the constitution, legislation, government structures and procedures. Taking into account the ongoing human rights situation in East Timor, with both the potential for escalation and the challenge of prevention, the High Commissioner recommends that a sturdy United Nations human rights component fully equipped to address the situation be maintained in the period following the UNTAET mission.

78. As in all steps to promote and protect human rights, consideration of the interests of women must be central. Adequate attention and resources are required to address the particular obstacles women face in the exercise of their rights. The implications for women of any legislation adopted or policy pursued must be assessed and addressed by the new Government of East Timor.

79. The High Commissioner reaffirms her call for justice for grave violations of human rights and

humanitarian law and that the perpetrators of the serious crimes of 1999 be speedily prosecuted under the law. At the present critical moment, just a few months before East Timor reaches long-awaited independence, the High Commissioner reiterates her call upon the East Timorese, UNTAET, the Indonesian leadership and other relevant actors in the international community to ensure that the necessary human and material resources are made available and that the political will is galvanized to ensure that justice is done. For, while appreciating the need in East Timor for reconciliation and the need to move forward, there is also a need to ensure that serious crimes do not go unpunished. Impunity for such crimes and a return to the legal fold for the perpetrators would undermine from the very beginning the capacity to build in a credible manner a culture embodying respect for the rule of the law, where the equality of all before the law is a cardinal principle.

80. In that regard, the High Commissioner recommends that UNTAET and ETTA, in cooperation with OHCHR, draw up plans to ensure the unhampered continuation of the tasks of the Serious Crimes Unit during the winding-down phase of UNTAET and following the end of the mission. The completion of its tasks must not be subjected to the expiration of the mandate of UNTAET and must continue until the most serious crimes have been prosecuted.

81. The High Commissioner notes that a serious lack of resources, both human and material, in the Serious Crimes Unit has continued to prevent investigations from being undertaken in connection with the overwhelming majority of crimes against humanity committed in 1999. The High Commissioner welcomes, however, the opening of the Los Palos trial and recognizes the importance of the holding of that trial, in accordance with international standards of justice, and its outcome will have for the people of East Timor.

82. Notwithstanding the statement of the Indonesian Foreign Minister to the Secretary-General that "the national judicial mechanism of the Republic of Indonesia is functioning and capable of dispensing justice"[9] and the encouragement of the Security Council to "institute a swift, comprehensive, effective and transparent legal process, in conformity with international standards of justice and due process of law",[10] the High Commissioner notes with concern that not one case arising from the 1999 violence has been concluded in Indonesia.

83. The High Commissioner welcomes the decision of the Government of Indonesia to revise the Presidential Decree establishing the ad hoc court for East Timor so as to include reference to cases that took place before the popular consultation and reiterates her call for the revision to take place with all speed. In that regard, the High Commissioner renews her offer to provide technical cooperation to the Government of Indonesia to support the administration of justice and recalls that her Office has drawn up a full programme in that connection, to be implemented when the existence of the appropriate conditions makes it possible.

84. The High Commissioner also recalls the recommendation of the International Commission of Inquiry on East Timor that:[11]

> "Future action with regard to the violations of human rights in East Timor should be governed by the following human rights principles: the individual's right to have an effective remedy for violations of human rights, which includes the State's responsibility to investigate violations, prosecute criminally and punish those responsible; the individual's right to reparation and compensation for violations of human rights from the State responsible for the violations; the need to act against impunity in order to discourage future violations of basic human rights".

The High Commissioner also recalls the recommendation of the International Commission that the United Nations establish an international human rights tribunal consisting of judges appointed by the United Nations to receive complaints and to try and sentence those accused of serious violations of fundamental human rights and international law that occurred in East Timor in 1999.[12]

85. The High Commissioner recognizes the enormous difficulties and challenges posed by the need to establish a judicial and legal system from the very beginning and appreciates the efforts of UNTAET and ETTA, in particular the Department of Judicial Affairs and the Human Rights Unit, in putting in place the building blocks for that process. Nonetheless, the High Commissioner notes that the judiciary is yet to become self-sustainable, resulting in serious shortcomings in

the law. The High Commissioner therefore recommends that UNTAET, ETTA and the new East Timorese Government ensure the provision of resources, training and support for the development of a judicial system premised upon respect for the rule of law. Taking into account the long-term nature of the sustainability of the judiciary, the High Commissioner calls upon donors to provide adequate funding for that process.

86. Given the complexity of the current legal framework in East Timor, the High Commissioner recommends that legislative reform and drafting, in accordance with international human rights standards, continue to be a high priority. The High Commissioner renews her offer to provide ongoing technical cooperation to assist in the drafting of legislation and in the interpretation and implementation of those standards.

87. The High Commissioner recognizes that the process of constitution-making is an important opportunity for the East Timorese to define the aims and scope of the structures of power. Accordingly, the High Commissioner encourages UNTAET, ETTA and the new East Timorese Government to ensure that the process leading towards the adoption of a constitution is a thoroughly consultative and participatory process. That process is already under way and should be continued as a matter of priority. The sense of priority, however, must be balanced by the requirement that the East Timorese be given adequate time and access to adequate information in order to participate fully in discussions on the new constitution. Furthermore, the timetable envisaged for the consultation process and election of the Constituent Assembly is short.

88. The High Commissioner encourages detailed discussion of the way in which the constitution might best protect the human rights of all East Timorese and reaffirms her call for the international human rights standards to which East Timor has already committed itself to be reflected in appropriate provisions of the constitution. Such a step would ensure that the foundation of the newest member of the United Nations is based upon respect for human rights and fundamental freedoms for all without distinction.

89. The High Commissioner calls upon UNTAET, ETTA and the new East Timorese Government to recognize fully the unique role and contribution of non-governmental organizations, both in the past and in the future and to ensure that they continue to play an integral part in the development of East Timor. They should also encourage and facilitate participation of the wider civil society in community affairs.

90. The High Commissioner welcomes the efforts of UNTAET and international and East Timorese non-governmental organizations to ensure that human rights education is as widespread as possible throughout East Timor. At the same time, the High Commissioner recognizes the fundamental need to further such education in all spheres of society in East Timor.

91. The High Commissioner strongly encourages the new East Timorese Government to ratify all key international human rights instruments at the earliest possible opportunity. The High Commissioner also advises that sufficient technical assistance should be made available to assist the new Government to implement its international legal obligations and comply with reporting obligations. To do so would assist East Timor in building a society based upon a culture of human rights, entrenched through the rule of law.

92. Following on from the human rights training provided by OHCHR and UNTAET to the East Timorese Police Service and the Civilian Police, the High Commissioner strongly endorses the calls by UNTAET that human rights training be integrated into the police training curriculum. In that regard, the High Commissioner welcomes the positive reception to those calls by the Director of the East Timor Police Training College.

93. The High Commissioner encourages consideration of formal mechanisms to promote and protect human rights in East Timor, including the possible establishment of an independent national human rights institution in accordance with standards adopted by the United Nations. In that regard, the High Commissioner welcomes the initiative of UNTAET to assist a working group of non-governmental organizations to consider the various mechanisms and institutions appropriate for East Timor. The High Commissioner reiterates the need for civil society to be involved in the development of any governmental initiative that addresses human rights concerns and for adequate training and resources to be provided for agencies whose work has a direct impact on the individual's enjoyment of those rights.

94. The High Commissioner congratulates those involved in the events leading to the adoption of the regulation on the establishment of the Reception, Truth and Reconciliation Commission. The High Commissioner recognizes the importance that mechanism can play, as a complement to the judicial process for serious crimes, and encourages donors to provide the required resources to the Commission.

95. The High Commissioner notes with concern the situation of ethnic and religious minorities in East Timor and calls upon UNTAET, ETTA and the new East Timorese Government to provide protection mechanisms in order to ensure that the East Timorese minorities live peacefully with their indigenous East Timorese neighbours.

96. The High Commissioner calls upon UNTAET, ETTA and the new East Timorese Government to find a solution based on international human rights standards for persons still living in the Dili Mosque. The High Commissioner also calls upon UNTAET, ETTA and the new East Timorese Government to introduce legislation protecting minorities and to amend any legislation that allows for illegal discriminatory behaviour.

97. The High Commissioner vigorously supports the work of UNTAET in its efforts to encourage the protection and promotion of women's rights. Moreover, though recognizing that in certain instances it may be appropriate to recommend that a problem be solved through traditional means, she affirms that violence against women should be seriously addressed in both criminal law and practice.

98. The High Commissioner recommends that UNTAET, ETTA and the new East Timorese Government ensure the preparation and facilitation of conditions for the safe return of internally displaced persons and refugees from West Timor.

99. The concerns raised by the behaviour of certain political groups, who have acted in a manner indicating a belief that they are not accountable to the authorities, including through the maintenance of security groups existing without legal authority in parallel to the legitimate police and defence forces, illegal detention and interrogation of returnees and other individuals and the use of threats and intimidation for political goals, require more attention from the legitimate authorities. The High Commissioner calls upon UNTAET, ETTA and the new East Timorese Government to pursue vigorously the establishment of a climate of accountability and respect for the rule of law.

100. The High Commissioner welcomes the important role that human rights must play in forming the bedrock of a democratic society and encourages UNTAET, ETTA and the new East Timorese Government to ensure that human rights values are at the centre of daily political activity.

Notes

[1] The mandate of UNTAET is set out in Security Council resolution 1272 (1999), which established UNTAET as the transitional administration in East Timor as follows: to provide security and maintain law and order throughout the territory of East Timor; to establish an effective administration; to assist in the development of civil and social services; to ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance; to support capacity-building for self-government; and to assist in the establishment of conditions for sustainable development.

[2] The responsibilities of ETTA follow from the UNTAET mandate and ETTA exists within UNTAET, with a separate budget. Part of the UNTAET mandate includes establishing an effective administration, supporting capacity-building for self-government as well as assisting in the establishment of conditions for sustainable development. To accomplish those objectives, the Transitional Administration (the Special Representative of the Secretary-General) initially created a component of the UNTAET mission known as the Governance and Public Administration, which was overseen by the Deputy Special Representative of the Secretary-General). The role of the Governance and Public Administration was to create an initial framework for the establishment of the future Government and to begin nation-building. International staff, in charge of both international and local staff, initially managed each of the departments of the Governance and Public Administration, such as Land and Property, Civil Service and Agriculture.

In July 2000, CNRT and UNTAET jointly agreed to restructure the mission and transformed the Governance and Public Administration into the East Timorese Transitional Administration (ETTA), in order to increase the direct participation and political responsibility of the East Timorese in furtherance of Security Council resolution 1272 (1999). All Cabinet officers are answerable to the Special Representative of the Secretary-General. Within ETTA, several East Timorese have been appointed heads of departments and all district administrators are East Timorese.

Nothing in this new governmental structure affects the overall responsibility for East Timor that the Security Council in its resolution 1272 (1999) has given to UNTAET; rather, it seeks to further the UNTAET mandate to build the capacity of the East Timorese for self-government and to create conditions for sustainable development.

[3] UNTAET Regulation No. 2000/15 on the Establishment of Panels with Exclusive Jurisdiction over Serious Criminal Offences defines "serious crimes" as genocide, war crimes, crimes against humanity, murder, sexual offences and torture.

[4] For instance, only nine East Timorese public defenders and three international public defenders serve on both the serious crimes and ordinary crimes panels in each of the four district courts.

[5] In Suai, though there is a panel of three judges, one investigating judge and two prosecutors, there are no permanent public defenders. In Oecussi, there is one prosecutor and one investigating judge, but there is no judge or permanent public defender. Although there are no permanent public defenders in those courts, a system of mobile public defenders has been put in place until such time as it will be possible to have permanent public defenders in all courts.

[6] UNTAET reported that, at the time of writing, a further four public defenders were being recruited by the Department of Justice.

[7] UNTAET reported that, as at 6 July 2001, 24,408 people had participated in over 250 hearings held in the 13 districts.

[8] Findings of the International Observers on the Registration of East Timorese in Nusa Tenggara Timur, 13 June 2001. Brunei Darussalam, Japan, Korea, Malaysia, Mozambique, Norway, the Philippines, Portugal and Thailand, UNTAET and the International Organization for Migration sent observers.

[9] Letter dated 26 January 2000 from the Minister of Foreign Affairs of Indonesia to the Secretary-General (A/54/727-S/2000/65, annex).

[10] Letter dated 18 February 2000 from the President of the Security Council to the Secretary-General in connection with the report of the International Commission of Inquiry on East Timor (S/2000/137).

[11] Report of the International Commission of Inquiry on East Timor (A/54/726-S/2000/59, annex, para. 148).

[12] Ibid., para. 153.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: special economic assistance to individual countries or regions

Assistance for humanitarian relief, rehabilitation and development in East Timor

Report of the Secretary-General**

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 55/172 of 14 December 2000, in which the Assembly requested the Secretary-General to report to it at its fifty-sixth session on the implementation of the resolution. The report covers developments from January 2001 to June 2001, subsequent to the adoption of Security Council resolution 1272 (1999) of 25 October 1999, by which the Council established the United Nation Transitional Administration in East Timor (UNTAET) with three components, a governance and public administration component, a humanitarian assistance and emergency rehabilitation component and a military component. The humanitarian assistance and emergency rehabilitation component has since been phased out as of 31 December 2000 since East Timor could no longer be considered to be experiencing a humanitarian crisis.

2. Even though the immediate emergency and humanitarian phase has passed, East Timor is still left with the challenge of rehabilitation, reconstruction and capacity development. UNTAET, the United Nations specialized agencies and Bretton Woods institutions are working together to provide coordinated United Nations system support to this new country. The United Nations agencies with a presence in the country, under the leadership of the United Nations Development Coordinator, include the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the International Labour Organization (ILO), the United Nations Population Fund (UNFPA), the World Food Programme (WFP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Office for Migration (IOM), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Development Programme (UNDP), the United Nations Development Fund for Women (UNIFEM), the United Nations Volunteers (UNV) and the United Nations Office for Project Services (UNOPS).

* A/56/150.

** The delay in the submission of the present report was due to the fact that the United Nations Development Programme was asked to prepare the report on short notice.

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II. End to humanitarian crisis and preparations for future emergency situations

3. The humanitarian situation in East Timor continued to improve during the course of 2001. Although many people throughout the country remain vulnerable, it is generally accepted that the humanitarian phase, characterized by a focus on the provision of shelter, emergency health services and food assistance, has shifted to a more normalized development situation. The East Timor Transitional Administration, the United Nations system and other development actors are now engaged in medium- and longer-term development planning.

4. Following the phase out of the UNTAET humanitarian component, a small National Disaster Management Office was established within the Department of Police and Emergency Services of the Transitional Administration. The initial national framework, spanning preparedness, response, recovery, prevention and mitigation, was approved by the Cabinet in March 2001. A National Disaster Management Committee, which embraces a multisectoral approach, has been formed. Within its first six months, the Management Committee coordinated emergency relief to over 5,600 people in six districts, in partnership with United Nations agencies, non-governmental organizations (NGOs) and community organizations. Most recently, the relief operation, which took place as a result of severe flooding in the Lautem district, was the largest natural disaster response conducted in East Timor.

5. The Office currently comprises an East Timorese Deputy Head and two Timorese District Liaison Officers, who have begun to work alongside four international staff. One of the key challenges for the Office will be balancing successful capacity-development with ongoing operational demands. A year-long project funded by UNOPS is due to commence activities in August 2001, which, with continued assistance from United Nations agencies, as well as further development of community and regional partnerships, will enhance the development of national and district-level capacity as well as community-based disaster management activities.

III. Repatriation of refugees

6. As at 1 July 2001, some 181,665 East Timorese refugees have been repatriated, of whom 73 per cent have been assisted through organized voluntary repatriation movements. During the first sixth months of 2001, more than 7,170 returned refugees have been registered.

7. The Government of Indonesia, through its nominated Task Force, has facilitated and organized with international agencies the return of East Timorese refugees from West Timor. The repatriation of former Indonesian military reservists known as "Milsas" continues, although more slowly due to delayed pension payments. The Indonesian military (TNI) and the national police (POLRI) in West Timor have made renewed efforts to solve the refugee problem in the last few months. Continued international assistance is important to support the Government of Indonesia in voluntary repatriation, the preferred option, or resettlement.

8. The Government of Indonesia held a two-day registration exercise on 6 and 7 June 2001 in West Timor to establish how many refugees were in West Timor and to determine how many wanted to return to East Timor and how many to remain in Indonesia. Five hundred and seven registration sites were set up in East Nusa Tenggara, which includes West Timor. Around 1,600 registration officials and 80 field supervisors, as well as 3,372 personnel, consisting of members of the Indonesian military and the national police members, supervised the registration. The registration was observed by 12 of the 32 international observers invited. The observers visited around 120 registration sites, but were present only for the first day of registration and could not validate the final number of those who registered. The observers concluded that, "the registration process and balloting were carried out on the day in a manner that respected procedures and confidentiality to an acceptable degree". Initial results indicated that 98 per cent of those registered chose to stay in Indonesia. These preliminary results, which were released by the Government of Indonesia on 8 June 2001, showed that a total of 295,000 people had registered as refugees. This figure, which was almost three times the estimated number of refugees, resulted from a recounting of ballots in certain areas of West Timor. The Government of Indonesia has yet to release the final official figures of the 6 June registration.

Since the registration, the Government of Indonesia has acknowledged that the 98 per cent who indicated they wished to remain in Indonesia was not a true indication of the refugees' real intentions and stated that it was working to repatriate all who still wished to return to East Timor or to relocate within Indonesia.

9. There are 11 official crossing points into East Timor from West Timor manned by UNTAET peacekeeping forces. United Nations agencies, in close liaison with the peacekeeping forces, the United Nations Military Observers and the Border Control Service continually monitor the border points for any refugee returns. Since the brutal murder of three employees of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Atambua by militia on 6 September 2000, and the subsequent withdrawal of all United Nations staff from West Timor, the United Nations system has not been in a position to fully facilitate movements nor to directly monitor the refugee situation in West Timor. An inter-agency security assessment mission was carried out by the Office of the United Nations Security Coordinator (UNSECOORD) in July to evaluate the security situation in West Timor and to offer recommendations regarding a future United Nations presence there.

10. Coordination and regular dialogue between the United Nations agencies and the components of UNTAET ensures complementary policies and practices vis-à-vis returns, returnee reintegration and reconciliation processes. The repatriation and reintegration of returnees has been supported through a multisectoral programme of protection-based and community-sensitive assistance carried out by the United Nations agencies. Assistance has also been targeted at the most vulnerable refugees. Psycho-social assistance programmes are available to support victims subjected to rape and other physical abuse in the camps as well as to mentally ill returnees. In addition, a child-tracing programme, undertaken by United Nations agencies in collaboration with its implementing partner, the International Committee of the Red Cross (ICRC), has reunited over 500 children to date. Preparations are also under way to ensure that an independent East Timor enacts appropriate refugee legislation and indications are that the independent government may be willing to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol soon after independence.

IV. Reconciliation

11. The reconciliation initiatives led by UNTAET have two key objectives: to get the refugees back from West Timor; and, through reconciliation, to ensure the long-term security of East Timor once UNTAET withdraws. The approach taken has been to initiate dialogue with a number of militia and political pro-autonomy leaders, many of whom still have control over large numbers of refugees in camps in West Timor. This strategy has been implemented through a district-by-district approach, beginning with the Baucau and Ainaro districts, and will soon cover Covalima, Aileu, Manufahi and Manatuto. In recent months the East Timorese leadership has become more actively involved with UNTAET in these efforts. Xanana Gusmão personally took the lead in border meetings with militia leaders in July 2001 and this will continue in August. Bishop Nascimento and six liurais (local chiefs) from East Timor visited Kupang, West Timor, in May to talk to various pro-autonomy leaders and refugees. The Bishop also held a mass in the Noelbaki refugee camp on the outskirts of Kupang. The results of the many initiatives taken over the past six months point to a renewed momentum in the direction of reconciliation and the active involvement of the East Timorese leadership in the process. Xanana Gusmão has appealed to the refugees to forget the past and come back and work together to build a new East Timor. The reconciliation initiatives undertaken by UNTAET with the support of the East Timorese have always stressed the need for reconciliation with justice.

V. Implementation of Security Council resolution 1319 (2000) by the Government of Indonesia

12. Regarding the disarming and disbanding of militias, it is difficult to ascertain to what extent the disarming and disbanding of militias had taken place in West Timor. The Indonesian military (TNI) is publicly taking a much more hard-line approach, but it is believed that there are still some weapons in the refugee camps.

13. With regard to the Atambua killings, subsequent to investigations by Indonesia, six persons were charged and brought to trial in Jakarta for the killing of the three UNHCR staff. The accused were found guilty and sentenced by an Indonesian Court on 4 May 2001

to prison sentences ranging from 10 to 20 months. On the same day, I noted that the ruling appeared incommensurate with what is known to have been deliberate and brutal killings and UNHCR expressed its disappointment, stating that is was an affront to the memory of the humanitarian workers who had given their lives in the service of humanity. For his part, the United Nations Transitional Administrator urged the Attorney-General of Indonesia to review the case in view of the inappropriate charges and the disproportionate sentences levied by the Jakarta Court. Further, the Transitional Administrator impressed upon the Indonesian authorities the need for the Atambua verdicts to be appealed through the Indonesian judicial system.

VI. Capacity development and Timorization of public administration

14. Capacity development is the core development challenge facing East Timor. Meaningful progress has been made to date in developing a new civil administration in the areas of recruitment, physical facilities and the equipping of civil servants. The specific challenges include human resource development, enhancing the policy and legal framework, managing the changing role of international personnel and managing the linguistic transition.

15. Within the Transitional Administration, the National Planning and Development Agency has been designated focal point for capacity development. The Agency, with the assistance of UNDP, has developed a comprehensive capacity-development plan for governance and public sector management, which focuses on preparing the ground for the transition to an independent East Timorese administration and on strengthening the cross-sector capacities essential for functioning of a lean public administration capable of delivering basic services. This initial four-year programme could be followed by a period of eight to ten years during which the public administration can expand its service delivery to the population through improvements in its programming, expertise and capacity. The programme was presented and was well received at the Donor's conference in Canberra in June 2001. The Cabinet of the Transitional Administration also endorsed the programme, which is being implemented with donor and United Nations agencies support.

16. Timorization of the civil service, that is the establishment of a fully functional civil service managed by East Timorese staff, has progressed significantly. Despite the complexity of the task and the multiplicity of issues involved in the establishment of a lean, productive and service-oriented civil service that meets the needs and expectations of East Timor and the East Timorese, the Civil Service and Public Employment Office, the key unit of the Transitional Administration supporting the rebuilding process of the civil service, had recruited more than 72 per cent of managerial level civil service employees and 89 per cent of all of the 10,654 civil service positions (budgeted for the fiscal year 2000/2001) as of 30 June 2001.

17. The East Timorese and their development partners still face enormous challenges in transforming an administration that is essentially international in character into a sustainable national administration. To that end, the Civil Service Academy continues to offer a wide array of courses and training programmes in governance, administration and management. Management and substantive training is also being organized and conducted at the departmental level. The United Nations system and development partners have also provided institutional support to local NGOs.

A. Health

18. During the first six months of 2001, the work of the Division of Health Services within the Transitional Administration focused on restoring access to basic services and rebuilding the policies, systems and human resources needed for long-term sustainability. Initial assessments indicate that improvements in health-care provision are more constrained, in large measure, by human resources rather than by physical facilities or policy issues. At the community level, it is planned to provide services through a network of 64 community health centres, 88 health posts and 117 mobile clinics, with referrals as necessary to hospitals. Most of these clinics are already functioning but a number of mobile clinics await the distribution of 130 motorcycles in August. Data collected in March 2001 indicates that 80 per cent of the population now has access to permanent health-care facilities. Ongoing monitoring suggests, however, that utilization of health

services is low and highly variable, with below 40 per cent of health facilities being properly utilized.

19. Routine immunization of all children in the first year of life is low (15 per cent). However, a joint United Nations agencies/Transitional Administration national polio immunization programme in late 2000 achieved 80 per cent coverage. Significant progress has been made towards the establishment of a national tuberculosis control programme in East Timor. Caritas Norway, together with Caritas East Timor, the Menzies School of Health Research in Darwin, Australia and United Nations agencies, have actively supported the establishment of this programme. The national tuberculosis control programme, which recommenced in January 2000, is active in all the 13 districts of East Timor. During 2000, 4,054 patients were diagnosed with tuberculosis and their treatment, within the national programme, commenced. Since January 2001, the major communicable diseases active in East Timor are malaria, measles, meningitis, respiratory tract infections and diarrhoea.

20. A large number of health facilities were damaged or destroyed in the aftermath of the 1999 ballot. While many facilities have been repaired, a planned programme for further rehabilitation of the physical infrastructure has been developed, with design completed and construction of 25 clinics to be contracted by mid-July. A decision has yet to be taken as to whether the country should have five regional hospitals or more widespread coverage by having smaller hospitals. Currently four hospitals are operating: in Dili, Baucau, Oecussi and Maliana. Some rehabilitation work has been done on each of the four hospitals. One of the major challenges in the upcoming six-month period will involve the administrative handover of hospitals and other health service facilities. The World Bank's US$ 12.7 million health rehabilitation programme has provided valuable support to rehabilitation, policy and systems development.

21. A senior-level East Timorese has been recruited as Head of the Division of Health Services, four as deputies and 64 as heads of health services in the districts. To date, 800 staff have been recruited and it is anticipated that an additional 367 posts will be allocated in the coming fiscal year. The national recruitment of health staff has suffered from many delays but is now nearing completion. United Nations agencies supported the Division of Health Services in the development of all the national job descriptions as well as in the recruitment process, which gives high priority to capacity development of newly recruited staff through the provision of a mixture of training and mentoring. This work commenced with an intensive five-week training course in organizational management for staff newly appointed to senior management posts in the Division. In order to address the shortage of doctors, WHO has provided scholarships to 10 medical students to enable them to complete their studies.

22. A Health Policy Working Group, made up entirely of East Timorese Health Services staff and other stakeholders, has been formally established, as well as working groups on health promotion, vector borne disease control and reproductive health. The Health Policy Working Group is addressing critical issues of health system structure, functions and financing, focusing on policies that are likely to have greatest impact on health. In May, work began on developing a National Formulary for East Timor, based on the essential drugs list, together with Standard Treatment Guidelines for East Timor, covering most of the common diseases and health problems. These will incorporate and supplement existing guidelines for Integrated Management of Childhood Illnesses, malaria, tuberculosis and reproductive health and will facilitate the monitoring of health worker performance.

23. Realizing the urgent need for initiating timely steps to prevent the spread of HIV infection in East Timor, the Division of Health Services, in cooperation with United Nations agencies, has evolved prevention and control measures focusing on health education, dissemination of information, promotion of safe sexual behaviour among the population, establishment of facilities for early identification and treatment of sexually transmitted infection (STI) and provision of safe blood transfusion services. As a result of an inter-agency HIV/AIDS/STI mission to East Timor from 12 to 24 November 2000, the work programme of each United Nations agency was clearly identified. Other activities of United Nations agencies include strengthening HIV surveillance, studies of sexual behaviour, support for the establishment of safe blood transfusion services, laboratory diagnosis for HIV/STI, training for treatment and establishment of other curative services for STI and public awareness raising. The Division of Health Services has established an East Timorese working group for prevention of

HIV/AIDS, currently working with church and youth educators in touch with vulnerable young people.

24. The last six months has also seen an increase in activities to improve the provision of reproductive health services within a framework of a two-year joint plan of action for reproductive health being carried out by the Division of Health Services and the United Nations agencies. The latter is facilitating the supply of medical supplies, providing training and recruiting obstetric and gynaecological specialists.

25. The shift from emergency relief to a more traditional development phase has allowed development of non-emergency medical services. In the area of mental health, United Nations agencies supported the formulation of a mental health policy in East Timor and, based on its recommendations, a mental health programme is to be established, to be supported by the Australian Agency for International Development. Another area of increasing activity is environmental health. The Division of Health Services and the United Nations agencies are working with the Infrastructure Department to coordinate efforts in the field of water and sanitation. Special attention has been given to the issues of medical waste and work to mitigate the health risk of asbestos in Dili and other areas. The United Nations agencies have provided assistance by building local capacity to implement water and sanitation activities. Through this process, by May 2001 a total of 2,266 family latrines, 214 water jars of 1,300-litre capacity and rehabilitation/construction of 66 dug-wells in 50 villages have been completed. This initiative will be extended to another 100 villages during 2001-2002.

B. Education

26. Moderate success has been achieved in the area of education. Teacher shortages and a lack of school furniture rank among the greatest impediments. The physical rehabilitation of schools is progressing steadily. Damage to educational facilities during the violence was so severe, however, that these efforts will need to continue well past independence, not only to restore previous school infrastructure, but also to accommodate a fast-growing population and expanding enrolment rates. An original target for the rehabilitation of 2,100 classrooms has been increased to some 2,780 classrooms throughout the territory to accommodate higher-than-predicted enrolment numbers. At the time of this report, 400 schools, representing 2,088 classrooms, were at basic operational level, with physical rehabilitation completed, textbooks and teaching materials provided and teachers assigned. Work is ongoing on an additional 135 schools, representing 692 classrooms, and school furniture is being assembled and distributed. It is expected that all 2,780 classrooms will reach basic operational level by the end of September 2001. The Transitional Administration, the United Nations agencies, NGOs and the World Bank (through its US$ 13.9 million Emergency School Readiness Programme) have all been working together on the rehabilitation of the schools.

27. An extensive school mapping process began in April, both as a basis for decisions on the location of future schools and as a comprehensive data platform on which to develop policy. Emphasis will then shift to construction of a sustainable network of school facilities to accommodate future needs in the primary and secondary systems. Work has been contracted for three junior secondary and two primary prototype schools, which are to become the model of the future education infrastructure of East Timor. The intention is to design integrated primary and secondary schools, that save on maintenance costs and operate as an educational resource centre in the districts.

28. In the recruitment of East Timorese education officials, a total of 5,470 teachers have been recruited and confirmed in their positions, including an additional 900 primary teachers and 100 secondary teachers recently added to the budget after Cabinet authorization in February. A Timorese director-general, three directors and 13 district education superintendents and core technical and support staff at central and district levels have been appointed. The university is about to complete its first academic year, during which 3,462 students followed regular programmes and 1,386 followed a six-month bridging course. The regular academic programme now has 138 teaching staff and 95 administrative staff. In addition, more than 1,000 overseas scholarships have been supported by donor partners.

29. A multi-donor review of the educational sector was completed in April. In order to better integrate bilateral and multilateral aid and capital and recurrent expenditure forecasts, the joint donor mission worked with the education department on developing the education budget submission. The mission also

highlighted the need to develop longer-term strategic policy and financing options in education.

C. Security

30. Successful progress in all other areas of the transition is underpinned by developments in the security situation. Defence and diplomacy go hand in hand to establish a secure environment that fosters economic and social development. Since my last report to you, the administrative structure necessary to support the armed forces has been developed and recruitment and training have commenced. The Office of Defence Force Development was established in January 2001 with an East Timorese head and expert personnel seconded from bilateral partners.

31. Legislation establishing the East Timor Defence Force was approved by the National Council and signed into law by the Special Representative of the Secretary-General on 31 January 2001. To date, 650 of a total number of 1,500 regular soldiers have been recruited into the Defence Force, the vast majority drawn from the ranks of the Armed Forces for the National Liberation of East Timor. The first group of 250 soldiers completed basic training on 21 June. The second group is scheduled to commence training in mid-July.

32. A five-year blueprint for the future development of the East Timor Defence Force was presented in the Force Development Plan, recently published for review. The plan provided the basis for discussion at the second international conference of interested parties on the establishment of the Defence Force, which was held in Dili on 25 and 26 June. The meeting provided an opportunity to request bilateral assistance from participating countries for the establishment and development of the Force. Training and logistical support, as well as support for infrastructure and the provision of equipment for the Defence Force will depend on voluntary contributions, while costs associated with personnel, operating and maintenance will be borne by the Government of East Timor.

D. Justice

33. The four central areas of the justice system in East Timor — the court system, prosecution services, public defender services and prison services — have seen significant progress. The Court of Appeal (future Supreme Court) and District Courts of Dili, Baucau and Oecussi are also fully operational. The rehabilitation of the Suai Court has been delayed, but should be completed shortly. In addition, four District Prosecutors Offices, one national Public Defenders Office in Dili and one District Office in Baucau have been established. There are 25 judges, 13 prosecutors and 9 public defenders, all East Timorese, who are receiving on-the-job training and being mentored by international staff in a programme supported by the United Nations agencies. Three prisons — Becora, Gleno and Baucau — are now fully functional. The detention centre at Becora is being upgraded to provide 75 additional spaces by the end of June. More than 100 East Timorese prison guards have been recruited and are also receiving on-the-job training.

34. Within the Dili District Court, a panel for the trial of serious crimes committed in 1999 has been conducting hearings since January 2001. Serious crimes investigators have concentrated on 10 priority cases. Seven of the cases have been handed over from the Investigation Unit to the Prosecutor General. About 2,000 statements from witnesses, victims and suspects have been collected, 629 cases have been filed, 30 people have been detained and 44 persons indicted.

35. The second indictment of crime against humanity was filed on 6 February 2001. Five persons, including an officer of the Indonesian Army, have been indicted suspected of murder, rape, torture, unlawful deprivation of liberty, inhumane and degrading treatment and persecution. Two additional indictments of crimes against humanity were filed on 2 May and 6 June, both related to crimes committed in Liquiça district as part of a campaign of violence by members of the Indonesian military (TNI) and the pro-autonomy militia group, Besi Merah Putih.

36. The Prosecutor General's Office is pursuing a policy aimed at also prosecuting individual militia perpetrators who have been taking part in criminal acts, together with others in senior or command positions. A total of 20 persons have been accused of committing crimes against humanity. A number of individual cases of murder and other offences that fall under the serious crimes mandate have been tried or are in the process of being tried at the time of writing. The first sentence was delivered on 25 January 2001. A total of seven accused individuals have been convicted to date. A second panel for the trial of serious crimes comprising

two international and one East Timorese judge was established on 15 June to further expedite the trial process.

37. Involvement by NGOs in the justice arena remains an important and high profile activity. Yayasan Hak continues to be one of the most prominent organizations promoting human rights monitoring activities. Yayasan Hak has involved itself heavily in the development of many of the new regulations promulgated by UNTAET, ranging from policing regulations, regulations on the operation of the courts and on the proposed development of a regulation on NGOs in East Timor.

38. In parallel with the mainstream justice function, NGOs have been leading advocates of alternative methods of conflict resolution. NGOs such as the Dili-based Kadalak Sulimutuk Institute (KSI) and the recently formed Conflict Transformation Network have undertaken training in the region and beyond and have involved themselves in dispute resolution in a number of parts of East Timor. For example, representatives of KSI have recently returned from peace and non-violence training in the United States of America.

E. Law and order

39. The trend towards improvement in public safety has continued. Since January, East Timor has seen a significant reduction in reported crime. During the first six months of 2001, however, there have been a few cases in which relatively minor incidents rapidly transformed themselves into major conflagrations. During this period, civilian police deployment rose from 1,439 to 1,493 officers, encompassing the 777 officers of the Timor Lorosa'e Police Service. The East Timor Police Academy has been functioning since March 2000 and 850 cadets will have graduated by the end of June. Leadership training started in January of 2001, with 55 sub-inspectors having been trained and deployed throughout the 13 districts and 65 sub-districts of East Timor to co-locate with international civilian police leadership. The gradual transition from civilian policing to the Timor Lorosa'e Police Force, which aims to be at a full capacity of 3,000 personnel by April 2003, continues at a steady pace. Plans are also ongoing for expanding the number of rapid reaction units from one to three by April 2003, enabling the East Timorese to play a greater role in enforcing public security. United Nations agencies also provided training to police officers on juvenile justice and child rights, including training of trainers and preparation of a manual for training of district police officers.

F. Agriculture

40. The process of the Timorization of the Transitional Administration's Division of Agriculture Affairs is proceeding well, with 126 staff appointed and capacity-building efforts under way. All district agricultural offices are now under Timorese management. With asset rehabilitation activities now well under way, emphasis in the coming period will move from input supply and replacement of lost assets towards demand-driven programmes and structural interventions to address weaknesses in rural markets and distribution systems. United Nations agencies are providing assistance in policy development, which currently focuses on rice pricing policy and the informal sector in the economy.

41. At least 13 international NGOs are involved in agricultural activities with over 100 national organizations registered as having an interest or a direct involvement in this area. Some of the major support provided by international NGOs in this area include institutional development and training for farmers' organizations, particularly in the area of agro-forestry and terracing, as well as in agricultural techniques such as the use of permaculture methods, distribution of seed pack, provision of extension services and the provision of grants for the procurement of agricultural equipment.

42. National NGOs have also been active in a variety of areas, particularly in training in upland forestry, vegetable growing and in introducing a variety of sustainable agricultural techniques. Several NGOs have been working with local farmers' groups on the development of alternative marketing of agricultural products, especially coffee and rice. At the local level, a civil society organization, Hali Huhn, in Los Palos, is working with the local fishing community to enhance their fishing techniques and improve marketing and financial management.

43. The focus in rural community development has been to create an imperative for the rebuilding of agricultural capacity to ensure food security and income generation. A joint donors' mission with the

participation of the World Bank, the United States Agency for International Development, the Australian Agency for International Development, Portugal, FAO, UNDP, the United Nations Office for Project Services and the Japanese International Cooperation Agency, was conducted to review the agricultural sector from 26 March to 7 April 2001. The mission called for an integrated approach to support the agricultural sector in terms of cross-sectoral rural development. Assistance for the water and sanitation, microfinance, infrastructure and health sectors were sought in particular so as to ensure a major positive influence on rural livelihoods. Much of donor assistance has been channelled through international NGOs working closely with national NGOs for the improvement of the living conditions of rural livelihoods. In June 2001, in response to the joint donors' mission, UNDP assisted the National Planning Development Agency in the development of Oecussi Integrated Development Strategy. A similar exercise is expected to be replicated in other districts.

G. Infrastructure

44. While work for the rehabilitation of the infrastructure is advancing at a fast pace, progress towards the development of long-term sustainability has been hampered by a fundamental lack of capacity. Operations at the port and airport have normalized. The aviation and maritime sectors are expected to fund their own development from revenue during the next year. The Transitional Administration, the World Bank, the Asian Development Bank and the United Nations agencies are collaborating in the implementation of infrastructure projects, including a US$ 27 million programme funded by the Japanese Government.

45. Nineteen major public buildings of the East Timor Transitional Administration are under reconstruction, including 12 in Dili and 7 in the districts of Bacau, Ermera, Liquica, Maliana, Oecussi and Viqueque. These buildings will house, inter alia, the future Ministries of Education, Justice and Telecommunications, as well as a Central Administrative Service Warehouse and the National Records Centre. Since June 2000, 13 major public buildings have been completed, including the Court of Appeal, the Central Payments Office, the Police Academy, the Water and Sanitation Department and the Civil Service Academy. This reconstruction does not include the rehabilitation efforts funded through the assessed budget, which include UNTAET headquarters, the peacekeeping headquarters and the radio and television building in Dili, in addition to district-based civilian police stations, civil registration offices and power houses.

46. The road network is in worse shape than it was in the period prior to the 1999 ballot. A substantial road rehabilitation programme has been implemented in recent months. In general, activity to date has focused on rehabilitation and backlog maintenance of the core road network, which was allowed to deteriorate during the last five years of the previous administration. The performance indicator set for the network — that is that no core road should be closed for longer than two days, except where covered by rising waterways — has been consistently met — albeit in a reasonably mild wet season. In the last quarter, a community employment road maintenance programme was initiated, under which contracts have been set with villages to maintain the core roads within their boundaries. This approach has succeeded in creating employment at the local level and holding costs down.

47. The Water and Sanitation Service has shifted its service focus to improved public health, protection of the environment and support for the economic growth of East Timor. Its 153 national staff conducted activities in four key areas: urban water supply for Dili and the principal district towns, with support from United Nations agencies; community managed (rural) water supply and sanitation; urban sanitation; and water resource management. Rural water supply in particular is strongly supported by bilateral donors and NGOs.

48. The supply of electricity has improved in Dili, although many districts continue to experience major shortages. In some outlying areas, local residents are afforded up to six hours per day, although they experience sporadic power outages. The Power Sector is working towards being self-financing within three years, with the possible exception of a small absolute or cross-subsidy for lifeline tariffs for poor families. The complementary objectives of the Power Service are to maintain a clean, uninterrupted supply of power; an effective metering/billing system that takes account of the poorer elements in the community; effective collection of revenues; and stringent compliance. A programme to rehabilitate rural and district power stations is to commence in August 2001, with support

from the Trust Fund for East Timor, the Government of Japan, the Government of Portugal and the United Nations agencies.

VII. Donor assistance

49. Member States have continued to provide generous support to the reconstruction of East Timor and have commenced a range of major development activities. Donors presently fund a significant range of bilateral and multilateral development programmes in the key sectors in East Timor, effectively financing almost all development activity in the country.

50. Donors finance two major trust fund activities in East Timor — the Trust Fund for East Timor and the Consolidated Fund for East Timor, which are still not fully capitalized. In particular, it is very important that the existing donor base be expanded to help with financing the national budget of East Timor for the recurrent costs of government. For the period 2001-2005, East Timor will face a critical financing gap in funding its national budget while the productive sectors of the economy are reconstructed and developed. Member States are encouraged to consider contributions to the Consolidated Trust Fund to support East Timor's first few years of independence.

51. The process of engaging Member States and multilateral donors continues to be driven by East Timor Transitional Administration and the World Bank. This process has resulted in six monthly donor meetings in Tokyo, Lisbon, Brussels and, most recently, in Canberra in June 2001. The Canberra Donors' meeting was significant for the endorsement of the second national budget of East Timor and for the fruitful discussions on progress being made by the administration against a range of transitional benchmarks to track its performance. The next donors' meeting on East Timor is scheduled to be held in Oslo in December 2001. Member States are encouraged to attend this important meeting, likely to be the last prior to East Timorese independence.

VIII. Concluding observations

52. Since my last report on humanitarian relief, rehabilitation and development for East Timor of 26 September 2000 (A/55/418) and the adoption of resolution 55/172, the situation in East Timor has changed dramatically, and for the better. The security situation is stable; Timorization of the East Timor Transitional Administration has made much progress; and the focus of attention is on rehabilitation and development and no longer on humanitarian relief. East Timor has entered the last stage of transition before independence, with the holding of elections for a Constituent Assembly on 30 August in a non-violent environment with a huge voter turn out. While the stability and progress we are witnessing in East Timor are still fragile, continued support from Member States, the NGO community and United Nations family would ensure the continuation of this positive trend in this soon to become independent nation. I encourage Member States to continue to support our joint efforts and to remain engaged so that the investment we have made thus far will not be wasted.